

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, Katie Sheldon Hammler, Marty Martinez and Mayor Umstattd.

Council Members Absent: Council Member Fox. Council Member Dunn left at 10:20 p.m.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Assistant Director of Finance and Administrative Services Mike Goodrich, and Executive Associate I Tara Belote.

AGENDA**ITEMS****1. Work Session Items for Discussion****a. School Contributions/Capital Intensity Factors**

Susan Berry Hill gave a brief presentation on the issue of School Capital Intensity Factors.

Key Points:

- The School's Capital Intensity Factor (CIF) is used to mitigate impact generated from residential growth on school capital facilities.
- In 2005, the Council adopted a resolution (2005-111) that adopted the County's CIF for schools.
- Board of Supervisors had requested that all towns help defray costs of capital facilities for schools.
- Many factors are included in the CIF including population projections and the cost of building new schools.
- County staff has been working on an update to the CIF for schools.
- Existing school CIF is \$29,750 for a single family detached unit, \$15,619 for single family attached units, \$7,809 for multi-family units.
- At the time of development of the original CIF, there was no building type such as a 2 over 2 or stacked townhouse factor.
- In 2015, the county adopted \$19,070 for single family detached, \$11,974 for single family attached, \$5,100 for multi-family with new factors for 2 over 2 or stacked townhouses of \$6,552.
- The factors have gone down because the county growth projections are going down, thus school capital facilities will not be needed in the future.
- The Board of Supervisors also adopted a CIF guideline for schools which excludes age-restricted housing from the school CIF.
- Staff recommends that should Council decide to adopt the updated CIF developed by County staff, that the restriction of using the money for schools in the geographic area where the development occurs be deleted.

Council Comments/Questions:

- Burk: So, the county no longer requires age restricted housing. What impact – maybe I don't want to ask that question. So, you are asking if we should change it to the current factors. To me, we should because it is what the County is asking for, so if that is what it costs for them to build a school building, then great – they have determined it. Establish a guideline to request standard escalators? I think absolutely. We shouldn't have to come back to this over and over again. I think it is important we have it as something the applicant will know is part of the process. My initial reaction would be to say immediately, but I guess that is not exactly very fair for some people who have already got the process started, so I would probably go with the second one – immediately but does not apply to current applications. Then, the geographic restrictions – I do not have a problem with this, but I think this is something that is really important. It is important to the town when you get into the discussion of the other CIF. It is important to the county, because our school system is significant. It is a significant cost. Just because you live in Leesburg doesn't mean that you shouldn't have to participate in that. The CIF that the county has developed makes sure that the applicant knows what the cost implications are and they know they have to do it, so it is not a surprise to them. It is not a negotiation. This is how much it costs for these particular services so that is how much you are going to have to pony up. When we changed this years ago – I think Katie was the one who brought it forward, was really excited at the prospect of getting this brought forward. I think this is just a clean up that will make it an even better and even fairer process for both the applicant, the county and the schools.
- Butler: I am a little surprised that Kelly seems to be in favor of this. But, I am confused at the Board of Supervisor's reasoning because these proffers – they shouldn't have anything to do with a growth rate of the county. It is completely irrelevant. What it should be is based on the number of estimated school children per unit, period. And I don't see that as changing. Sure, the number of units might decrease, but the number of school children per unit seems to me unlikely to decrease. Staff answer: What they have done is estimated population estimates for the future looking at sub areas. They have looked at the Leesburg area. They have looked at...
- Butler: I get that, but what does that have to do with the number of children per unit?
Staff answer: It is all part of their calculus for establishing what that CIP is.
- Butler: This has nothing to do with the growth rate of the county, okay? It can't unless it is a completely made up number. What it has to do with simply is if you reduce the number for a single family

detached from \$30,000 to \$19,000, that is going to encourage the development of more single family attached, period.

Staff answer: What it is trying to address is what the growth rate will be in the Leesburg area. Like I said, they have different factors for each of the subareas within the county. So, they have looked at what our growth projections are in town.

- Butler: What does the growth factor have to do with any of this? It should be based on the number of children per unit.
 - Burk: But you won't have as many units any more.
 - Butler: But you don't have as many units, so but if the number of units goes down, that is going to reduce the amount of money that you take in. Reducing the number per unit –
 - Burk: But they didn't do that.
 - Butler: They did. That's exactly what they did. They went from \$30,000 a unit to \$19,000 a unit for single family detached, \$15.6 for single family attached down to \$12,000. This makes no sense to me. I can't be in favor of it unless I see an awful lot more detail behind where they came up with the numbers and why they are doing it because to me all this is simply encouraging more residential growth by reducing the number. It has nothing to do – it is irrelevant to the future growth rate of the county. That is not what the County Board of Supervisors is doing. They are simply encouraging more residential growth. But, I agree that age restricted housing probably shouldn't be subjected to this. That's fine, as long as they know for sure that if they do come back in with a rezoning to change it from age restricted, which we have had multiple times just in my tenure on Council that they are going to get hit by the proffers. As long as that is worked in there that they have to rezone it so we can accept the proffers. I don't want a situation where they are an age-restricted housing and then they change to not an age restricted housing, but there is not an opportunity for us to acquire the proffers. We have to make sure that is in the process. No geographical restrictions – I am not sure I agree with that because if residential is being built in Leesburg, I would want the proffer money to go towards schools in Leesburg, not schools in Sterling.
- Staff answer: It will. What this is talking about is within the town of Leesburg. The capital needs are really not neighborhood specific. They are looking at the Vo-tech and the ROTC addition to Loudoun County, so those proffers are due throughout the county.
- Butler: That's fine because they changed the districts around all over the place anyway. The fact that you are six feet away from a school doesn't necessarily mean you are going to that school anyway. So as long as the money would stay within the town, I am good with that. The effective date for those two changes could be immediately. Again, I am not in favor of this unless I get a lot more data behind where their logic is because I am failing to see the logic so far.

- Dunn: Is this something that we have to do because we don't have an automatic trigger on this when the county makes their changes we fall in line with their changes?
Staff answer: We don't have to. Our factors are based on capital needs that were anticipated in 2005. Now, in 2015 those capital needs have changed. That is why the County has updated their numbers to reflect the capital construction that they intend to build in the future.
- Dunn: When this was passed, there was no provision made for changing – automatic changes in line with the county's?
Staff answer: No.
- Dunn: Will we be doing that with this?
Staff: That is up to the Town Council. I am going to cover that in the next segment of this presentation. So maybe hold on to that.
- Dunn: I will hold on to that. Try to remember. I would say that yeah, I am accepting of the current factors, even if the county is wrong in their thinking. I can't see the Leesburg citizens having to pay more than the rest of the county as far as when they are looking at purchasing additional homes and so forth. This is on new construction, correct?
Staff answer: This is for new capital construction and those numbers have gone down across the county in every sub area.
- Dunn: I agree that there shouldn't be a hit for the age restricted because they are not contributing to the school system. I guess this goes on with the – is this the next part – establishing acceleration clause for us or that's just agreeing to the acceleration clause that the county has?
Staff answer: That's just that the proffers would be indexed so that when inflation occurs, the proffer value will increase with inflation.
- Dunn: But, we can't – we are not going to increase that if the county is not increasing it.
Staff answer: No, the intent there is to make sure that individual proffers, the developers proffer for school CIF, they are automatically indexed to account for inflation.
- Dunn: I would be in favor for changing it now. Is that in line with what the county is doing?
Staff answer: Yes, they adopted these factors in December 2014 and then they just recently in June of this year, adopted the no-school CIF for age restricted, so their numbers are pretty recent.
- Dunn: My thinking on that is that again if an application is in process they should not have to be subjected to an old number that is not since when the house is built, the children aren't contributing to the school system until after it is built, so why should they be charged for something that was in the past. I would be interested in changing it now. I would be leaning more towards the geographical limitations because the Leesburg schools are not solely for Leesburg residents. Monroe, which is going to be changing soon – that has students from all over the county. I believe the ROTC department has students from

throughout the county too. I believe that you are saying if we have no geographic restrictions, then it would be basically more pressure put on Leesburg development than the other way around.

Staff answer: This is just for Leesburg, so it doesn't have anything to do with development that occurs outside of Leesburg.

- Dunn: No, I understand that. But, the reason for it is because there would be more need in Leesburg for the schools by having it not geographically restrictive. Am I understanding that correctly?
Staff answer: Well, say for example there is a development in a certain area of Leesburg and the collected school proffers and we kept this geographic restriction in the adopting resolution. It would mean we would need to spend that school money only in schools that are within that district area. So, if it didn't include Loudoun County High School, say if it was Heritage or something, we could not use it to that program. I would basically not be able to be used unless there was a capital project that needed to be made to – in my example, Heritage High School. It would mean that money might just set until such time as there is a capital need. The county would much rather have the flexibility to use this school money where the capital construction is occurring.
- Dunn: And just to provide clarification on that, we are not going to get those funds. Those are funds that we are providing to the county. So, we are not deciding where those funds are being spent. The county is.
Staff answer: We have, in the Resolution 2005-111, we have this restriction. So, when we pass this money to the county, it could only be used for schools that were in that school district. So, for instance in the Oaklawn area for those townhouses in that area. School money collected there could only be used where those students go to school. It could not be used for another facility in Leesburg.
- Dunn: So, you are suggesting that we don't have the geographical restriction, so what does that do – doesn't that allow for those funds to be used outside of Leesburg?
Staff answer: No.
- Dunn: So, they could only be used in Leesburg, but they could be used for other schools within Leesburg?
Staff answer: Only within those capital needs that have been identified in the County's CIP, so the two things they have identified in their CIP now are the Monroe Tech and the ROTC program. So, for the foreseeable future, that is what the money could be spent on. Now, I don't know what – I think they are trying to develop a maintenance plan that would look at all schools in the county, including Leesburg, and establish a schedule for how to update things in those schools. If they did that, and they put that in their CIP, if the Council adopts this resolution without geographic restrictions, then again it allows the school board flexibility to direct those monies to where the needs are.

- Dunn: But those needs would still be limited to Leesburg limits? Because I just want to make sure that is definitely the case. Because otherwise, it could send the funds anywhere.
- Martinez: So, the reason this is a good idea, is the current process, we have no fixed idea of what the developer is going to proffer?
- Burk: It is not a proffer.
- Martinez: Okay, it is not a proffer, but as it sits now, we have no real idea on what – I guess I am trying to say – why is this a good idea?
Staff answer: Well, in 2005, the Board of Supervisors asked your help to defray costs of schools constructed in Leesburg. At that time, the Council agreed, yes, we will step up and help defray those costs. This is a continuation of that, commitment, if you will. If you decide not to continue this, then staff would not have a school CIF to use when we look at applications and we would not collect school money to pass to the county. So, it is really a decision for Council, whether you want to continue to support the Board of Supervisors and the School Board on funding capital construction in Leesburg.
- Butler: Hold it just a second. Point of clarification, if you don't mind. This is not a discussion of whether we are going to continue school related proffers. This is a discussion of whether we are going to reduce them from \$30,000 to \$19,000 for single family detached. I think that is the question. It is not a question of whether we continue it. They pay \$30,000 a house now and you are asking us to reduce that to \$19,000 a house.
Staff answer: I am just suggesting that the Council's resolution to initiate a change was to make it consistent with the county, so there has been a reduction. In the county, for Leesburg as well as all sub areas.
- Butler: Right, and we decide whether we are going to reduce that for Leesburg. Whether it goes from \$30,000 to \$19,000. We could reduce it to zero, if we wanted, but that is not the question on the table.
- Martinez: What I am getting at is the benefit to the town versus the county. Now, it is not that I don't disagree with Dave –it is counterintuitive on how we are now going from 30 to what was 29 and now down to 19 because there is less density. Really, when you think about it, the more density the lower the cost, the less density the higher the index. But, that is not your responsibility. If we have a real issue with that, we should take it up with the county – sit down and talk to them about hey, you know this doesn't benefit us. Again, one of my concerns about that is we need to talk to the county about what is the overall benefit to the town. The question I have is okay, we are reducing it to \$19,000, what are we getting out of it. How is it benefiting us other than being on the same schedule that the county is?
Staff answer: It is helping to defray their investment in school projects in Leesburg, which is what the intent is.
- Martinez: Aren't they getting more from us now than before?

Staff answer: They would be, but the CIF is a look at what the realistic capital construction is for the future. So, you would consider an element of fairness based on reality – what those projected capital needs are. The county feels like these numbers are more reflective of what capital construction will be in the future.

- Martinez: So, does that imply that we have been overcharging?
Staff answer: Yes. At this point.
- Martinez: So, if we have issues with the CIF, we should take it up with the county and not yell at you?
- Burk: It is more fun to yell at her.
- Martinez: I just have issue with some Council people getting excited and upset over things that you, as a staff person, cannot change. We need to change it. We need to talk with the county to get it to change. It is more intuitive on what's going on. Right now, it looks a little counterintuitive. I understand we are talking about the degree of fairness in how we are applying this process, not just to the town of Leesburg, but to the county. Okay? I just wanted to get that out. As far as the rest of these, I have no problem accepting the current factors based on the fairness issue. I don't believe – actually a little off topic – not only should we not have CIF for age restricted housing, but we should encourage more incentives for age restricted housing.
- Burk: You are just looking to move.
- Martinez: Next. I got no problem with the escalator language. To me, something static based on with economic conditions changing the way it always has. I also believe we should do it as soon as possible, but we shouldn't penalize existing applications that are going through the process. As far as geographic restrictions, my only concern is that if we have no geographic restrictions, that any of the CIF funds could be applied to schools outside of the town of Leesburg and you are saying it is not.

Staff answer: I am just saying that within the town of Leesburg, so within the resolution should Council want to go forward with it tomorrow night, we will make sure that the resolution says that funds shall be used within the town of Leesburg, but that bullet was intended to address that within the town of Leesburg you have flexibility.

- Martinez: Right now, the county is looking at Douglass Community Center and what else was it?
Staff answer: Vo-Tech program was going to go...
- Martinez: and you are looking at those current – what you are saying is if they want to expand within the Town of Leesburg to the other schools. You know, say for example they want to put refurbish a gym somewhere else, we could then apply those monies to that.
Staff answer: We want to make sure that the money collected in Leesburg go to that capital project.
- Martinez: Right. Right now they have got those two issues targeted and if there is any other things coming up that geographically we are

not limiting ourselves to those two facilities. We are allowing it to be applied to all of the schools within the town of Leesburg.

- Butler: Make sure if we adopt the no geographic restrictions, all that means is that all the proffer money has to stay within Leesburg, right?
- Martinez: Dave, I am really tired of Council people jumping in without one being recognized and two if you want clarification wait until all discussion is done and then ask, but not in the middle of somebody's discussion. I really would appreciate that kind of courtesy. It is not just you, Dave. A lot of people on this council just love to jump in and then the discussion loses the train of thought.
- Butler: I understand.
- Martinez: I wish this council would be more professional in that way. I'm done. I just want to make sure that these guidelines that we establish do apply to the town.
- Hammler: Well, I would have voted to do this all in one fell swoop, and also discuss at the same time the other capital intensity factors because I think what has happened recently because presumably Sam Adamo and staff have determined that there aren't any capital needs within Leesburg. It sort of has been a stretch in terms of what they are applying the funds to and so as a result, when it comes to the total amount, we are not as a town able to direct capital funds where we really need them and could use them for things like TMDLs, police, parks and rec capital – things that we need to define for our own future growth capital needs. That being said, specifically back to it being a bit of a stretch, and I don't know if this can be something that could be somehow specifically directed in language, but I called Sam Adamo and asked about the school capital contribution going to say an ROTC program. I went through ROTC and completely appreciate the value of ROTC, but it is a federal program so to me it seemed backward that we are providing a grant back to the federal government when we have such limited Capital funds, but again just sort of a proof point relative to ultimately the school administration and board determining that there aren't capital needs and as a parent, it certainly strikes me that we have sort of overcrowded schools and there is any number of opportunities for local school capital contributions. I also agree with Dave's earlier point. I certainly, as a legislator, do not want to encourage residential growth by lowering the capital intensity factors. So, as you can see, I am a bit ambivalent because I am focused on Leesburg and where we might be able to add an increased capital intensity factor for some new areas. So, I will continue to listen and be happy to follow back up with some specific questions.
- Dunn: Should we leave this at the \$29,000 but the County is only asking for \$19,000. What happens to the excess funds?
Staff answer: Well, you can leave it at the \$29,000 and then staff will continue to work with applicants as they come in with land development proposals and request that amount. And then applicants

will just consider what they want to proffer. The county is not directing us to change this, it is just the Council initiation in December 2013, was to make the numbers consistent with the county. So, if Council doesn't want to do that, it is certainly your preference.

- Dunn: But, if we don't the county is saying we need \$19,000 for that particular segment and we are deciding to send them \$29,000. What is going to happen with the extra \$10,000 per unit.

Staff answer: It should be spent within the town of Leesburg. We will continue that. How they spend it, I'm not sure. They will probably direct it towards the two projects that are identified in their CIP that I just mentioned.

- Dunn: In essence, you are not sure and that's fine.

Staff answer: They won't send it elsewhere. They will send it to Leesburg as their capital needs occur.

- Dunn: Whatever those future needs will be because they have already determined that their known needs have a certain dollar amount. We have decided to spend more than what was needed. I guess we are saying go ahead and do even more in town than what they have plans for. But, we don't know what that would be because it is not on the CIP. So, it is just guesswork as far as we send them extra money, what they are going to do with it.

Staff answer: We know two projects now, but we don't know beyond that.

- Burk: I don't think we are thinking along the same wavelength here. The reason, as I understand it and correct me if I am wrong, but the reason that the number has gone down is because within Leesburg we don't have the needs to build new schools right now. For instance, in 2005, wasn't Tuscarora High School in the process of being... Was Tuscarora 2005? In that area – so we had a school to build then. There is no more schools to be built in Leesburg, so the intensity of what you need would naturally go down. If I am a developer and I look at what the County says they need but then the town says well we want you to pay \$10,000, as a developer, I would question that very strongly because this is what the County says they need for schools. They are the experts on the schools. They know what they need. Leesburg doesn't have the development that the other localities around – that is why we are divided up into different units and so the sub unit that has Broadlands, they probably have a higher intensity factor.

Staff answer: It has gone down. All the districts have gone down.

- Burk: So, all of them have gone down. Could you get us a reason why that is then?

Staff answer: Generally, I mean I don't know for each sub area why – what the population projections are. They are looking at population projections for the next 20 years or more and what the needs will be in that future time period. As growth slows down throughout the county including Leesburg, the capital needs also slow down, so that is why

those numbers are going down. If you are confused about the development occurring in some of those other areas, remember, those proffers were established years ago.

- Burk: Right, and they have already paid those. Like Marty says, it seems counterintuitive to go down, but at the same time if our intensity – the intensity of the development is going down, then I could see that. We are not building as many schools. We have got some repairs that we have to do, so it is not a zero. It is most certainly money that we will be spending to improve buildings and schools within Leesburg, so I am not as concerned about it for that perspective.
- Butler: Still, the logic escapes me because the amount of growth per house is not going to go down. If you build enough houses to generate say 600 school kids, you are going to have to build another elementary school. Maybe that number of units is going to take 10 years instead of 2 years, but you are still going to have the same amount of houses that is going to generate the same amount of schools that is going to cost the same amount, so why the proffers are going down – unless we see a lot more data, just saying that there is not going to be as much growth, is not consistent logically unless you see other numbers behind it. It just does not work. It is fallacious to the core. I am sorry. There has to be other factors than that. It cannot be because growth is going to slow. Now, it looks like – to say that we are not going to have any more schools in Leesburg is not necessarily true, because if you look at what the staff has outlined as potential residential infill that we could have over the next 10 years, within the crescent district and within some other land that we still have that is developable, we could easily have another school or two that is built in Leesburg, because there is not a lot of excess capacity within the schools in Leesburg. So, now those schools might be built outside of Leesburg. That is possible, but it is also very possible that we will have schools within Leesburg. So, the bottom line of this is two things. One is regardless of how we vote, all of the money that we collect in proffers will be spent within Leesburg's schools – the schools that are in the town of Leesburg. That is correct, right? So, what this does is we are deciding whether to take away \$10,700 per house that is built in Leesburg. That is money that we would be taking away from our schools within the town. That is what that means.

Staff answer: Yes, it is a reduction per unit.

- Butler: Right, so if somebody comes in and builds 600 residential units, that's 600 x 10,000 – six million dollars that will not be spent on schools within Leesburg.

Staff answer: So, Sam Adamo is the director of looking at what the projections are throughout the county in terms of schools. He bases that on growth projections and that is based on land use. So, they look at our land use plan in Leesburg and base the number of school generated kids on that land use plan and forecast what the capital needs

are based on that. As long as we stick to our plan, they are saying and I am not Sam Adamo so I don't know, that they are going to be limited – they are not going to building any new schools in Leesburg. Now, if for some reason our land plan changes, or we get a lot more development that wasn't anticipated, then maybe that will change. I don't know. I don't know what the threshold is, but Dr. Adamo could probably answer that.

- Butler: I understand that. So, again I just want to make sure that it is clear to everyone that if we vote for this, we are taking away \$10,700 for every house that is built in Leesburg away from our schools within Leesburg. There is no opportunity to spend money outside of Leesburg. It is money that is going to go to schools within Leesburg and it is going to be \$10,700 less for every house that we approve. I'm getting a head shake back there. Confusion?
- Gigi Robinson: If the CIF goes to the County is put together by Adamo on his projections on what your district schools are going to need based on the plans based on everything that you have got. When I send back that money to the county, it is sort of like me sending back my taxes. It doesn't go every single cent to Leesburg.
- Butler: It does. All the proffer money that we spend with the CIF comes back to the Leesburg schools.
- Robinson: I don't believe that they segregate that only for the Leesburg schools any more than Broadlands schools only takes what is coming in for that and Sterling schools only for that. This is based on buildout in the various districts. It goes into a pot and used for capital refreshment, capital building, etc. I don't believe that we have anything that says every nickel taken from Leesburg stays in Leesburg. Because then Broadlands would say the same thing, Riding would say the same thing. I'm not seeing that. Although we may have said it, I don't know that our letter says that.
- Mayor: The difference though is, none of those are towns. None of those are incorporated towns that have to sign on independently to the County's CIF plan. If we sign on to it as we have in the past and in that signing on we say that what comes from Leesburg, stays in Leesburg, then I don't think they can take and use it in Broadlands.
- Robinson: The letter that you got from Scott York that came in on the 12th of April 2005, I don't know whether or not that said. If it did say that every penny collected here is much different than any of the other districts, then you are right, we are not collecting the same amount based on our buildout. But if the letter from the 12th did not say that, I would have to assume it is sort of like my taxes – it goes into a pot and gets spent.
- Mayor: I absolutely see your point, but Susan's whole presentation was based on the premise that it stays in Leesburg if it is collected in Leesburg.

Staff answer: I just want to clarify something – from 2005-111, the resolution that was adopted by Town Council and this was Council’s decision, not Mr. York.

- Robinson: Did the county agree?

Staff answer: They did not have to. This was a resolution that was adopted by Council and it said any proffer money shall be used to provide school related capital facilities that will serve the Leesburg residents, who live in the new development resulting from the rezoning as defined by the county’s Leesburg planning sub-area or the appropriate school board cluster designation. So, this is saying that money collected in Leesburg shall be spent in Leesburg. It goes further than that and says that any money collected in a certain area of Leesburg, must be spent on school age children – the schools that serve them within the school district of that rezoning.

- Burk: But that’s what we are saying. Is that what is being done at the county level? I think we can’t – I really think we need to ask the school people to come in to answer these questions for us. Maybe we should postpone the vote on this one until we can get the school system in here to answer some of these questions because I don’t feel like we have the expertise to get the answers.
- Mayor: Susan, do you have any independent verification that when we send the \$19,000 the county just doesn’t grab it and run down the road and give it to Sterling?

Staff answer: It must be spent – and this is something our Town Manager, our Zoning Administrator and our finance folks work with the county on to make sure it is spent on projects that are in the Town of Leesburg.

Dentler: If you remember, I guess it was last fall – back in the fall, the county wanted to use some of our contribution money for the ROTC at Loudoun County High School. They needed our approval of that. Chris Murphy, our Zoning Administrator confirmed that use could be done because even though it was outside of the geographical school district where the money was coming from, kids from that zone could also go to the ROTC program. The county will ask us for the money, but we get to verify that it is going to the area as that resolution that you passed decides.

- Mayor: So, we don’t give it to the county until we know it is going to be used – oh, we are smarter than I thought. All right!

- Burk: So, we hold on to it?

Staff answer: We sit on the money.

- Butler: It is our money.

- Burk: Well, I know that, Dave. I am very aware of that.

Dentler: Council sets the amount, we collect the money. We hold it.

The county will then ask for the money – here is what we want to use it for within the town. Chris Murphy, who is our Zoning Administrator,

will verify that it does fit with your resolution. I then, as the Manager, can distribute the money as you have asked me to.

- Burk: Does all of the money go? Every year, does all of the money we get...
Dentler: Only when they make a request. We sit on the money until they ask for it.
- Burk: I've never seen it in the budget. I'm kind of surprised by that. We have never had an item that identified that we had the money sitting there.
- Butler: I just wanted to apologize to Marty and if anybody else is offended. I want to make sure that whether we agree and whether we vote the same is one thing, but what I don't want to do is have us pass something where we pass something based on mis-assumptions. I just want to make sure that we are all on the same page and then if we disagree, that's fine, but up until now, I was not sure we were all on the same page.
- Hammler: I just forwarded an email from March 24th, because I followed back up with Sam about that time and I needed to more fully understand what and how – what the decision making – what was going on. But he sent to me the adopted CIP and you will see on page 17 and 18, projects for the town. You can read the rest of the email. Just to clarify the process, but that aside, back to this larger question, just a couple of comments. One, your point, Susan, about Sam Adamo and his staff reviewing our plans is a huge assumption. Because all of us who have been on Council for over ten years, every single rezoning is about more and more housing. So, that assumption alone should at least have us question this reduction in the capital intensity factor. But the thing that I do need to more fully understand is again what was the logic for the county because they may also – this is the question that I have, there is a set pot that ultimately comes up with, if you will, the aggregate amount of impact dollars proffered from the developer, so what maybe what they did was increased their intensity factors for other capital projects. Obviously they are at their debt capacity - \$200,000 and they are at \$199,900. There must be some logic behind the greater aggregate CIF analysis which I think we are getting to in our discussion. That is my question – what is the bigger pot and I would ask us to question that assumption. My last point, actually is it is not just building a total school. Presumably there are other requirements for other capital needs in the interim.
- Mayor: Good points. I am leaning towards Dave's position on all of this. Can I assume that they can use capital intensity money for repairing bathrooms in Leesburg schools. Can they use it for computer equipment?
Staff answer: They can use it for capital construction. I don't know how the county would consider computers. Whether it is maintenance things like refurbishing the bathrooms or refurbishing structural

components of existing schools – I believe they can use CIF money for that. They cannot use it for operational costs – it is contrary to state law on how proffer money can be used. So, it has to be for capital costs, but I think it can be for maintenance.

- Mayor: I know in Leesburg, we have had schools – Simpson middle school being one that for years had its rest rooms in the worst possible condition and the county kept saying we don't have the funds to repair them. Finally, the parents made such a racket the county felt it had to repair them. I would like to keep money in Leesburg for the schools in Leesburg because I know the County will not repair things as quickly as they should be repaired and it will claim lack of funds to do so, so if we have a pot of money they can use for that in Leesburg, I am kind of with Dave. I don't see the point in lowering, especially by the amount proposed. That is where I am right now.

- Martinez: I just was wondering a few things – how many pieces of property do we have in the Town of Leesburg that we could build a school on.

Staff answer: I'm sorry, Marty. How much infill?

- Martinez: Are there any properties right now set aside for building schools in the town of Leesburg?

Staff answer: No.

- Martinez: Okay. If, say for example, we annexed property around the town and we started having properties available for schools because we are now a bigger town – more area, densities could increase – could that CIF then be increased to cover the cost of building schools?

Staff answer: Yes. So, if your land planning changes from the assumption that this CIF was based on, yes, you can change it.

- Martinez: I'm guessing that the CIF is based on the fact that one, we have no more schools to be built in the Town of Leesburg and that, you know, if there was to have that need, those things would change. The only concern that I have is that it sounds like it is a little too late by the time we need the schools to have the money in for the schools. You know what I mean – we are playing catch up. I also agree that I would like to see – you know, if we are collecting the money and we are holding the money – I am not saying we disperse the money, but we have the ability to influence when and where that money goes and work with the school system to say hey look – we are collecting this money just for Leesburg schools. We have some needs here. Let's direct that money to that and get the schools involved and have our town involved in that process because you are talking about – Simpson. Same thing with Leesburg Elementary. If we had a process like this in place, then we as a Council could say this is our town. These are our citizens, maybe we could influence a little bit more of where that money goes. I am understanding better now why it went down from 30 to 19. I still don't like going backwards. It is one of those things that where we go down, then we annex, we have property. Now we have to

increase it. It is kind of hard to get everybody on board to increase it. I wish we could find a middle ground, but I think that the logic behind it going down is a lot more clear to me, but I also think that if this Council still has some issues and concerns, we definitely need Dr. Adamo in here under the spotlight to explain some of the logic behind some of these decisions.

- Dunn: If we were contributing zero to this, what are we required to pay to the county?
Staff answer: This is a council adopted resolution. In 2005, the Council could have opted not to participate. At that time, they opted to do so.
- Dunn: And the town would not owe anything for new development because my understanding is we are required to pay the intensity factor if we are bringing in homes.
Staff answer: So, the school CIF is totally your discretion to collect on behalf of the county.
- Dunn: Right, but if we did not collect, then the county would still be looking for those funds. They would have to come out of tax funds?
Staff answer: They would come out of tax funds.
- Dunn: We are required to pay this to the county.
Staff answer: We are not required to, no. So, you opted to do so in 2005 and the resolution that you...
- Dunn: The county is not asking for this money? The county does not have a requirement from the town to pay into this fund?
Staff answer: No.
- Dunn: So, it is completely optional. Okay, and as far as addressing some of the issues about some of the need, I can tell you from the county's side as far as development goes, I am seeing at the county level a number of developers that are proffering or offering land for school development and the school system is saying we don't really need it. Waterside, which is one of the biggest developments that we are going to see in the county over near Dulles, a 50 year program has two school sites and they are just kind of on hold. They are saying we don't really need it. So, it does not surprise me that they are saying the needs in the county have gone down.
Staff answer: For a long time, it was they needed land because they were building schools so fast. They needed that proffered land, but not today.
- Dunn: So, when we have the funds and they are given over to the school system, I thought that legally, you could not direct the school system where they had to spend the money. They were given, basically their funds, their budget, but once they get that, they can't be directed as to where they spend their money.
Notar: Mr. Dunn, that is true when it comes to taxes. These are proffers and that would be different. You could direct them as you have done in the past.

- Dunn: Okay. The only other thing I would mention too as far as the amount of school aged children in Leesburg – it does not necessarily mean that even if we have more home development that school age children numbers are going to go up. I know from Marty, you and I are probably not going to be adding to the school aged children if we stay in Leesburg. So, in other words, in fact we saw that recently – what is that school on Catoctin Circle? I'm drawing a blank. Catoctin Elementary, they were actually seeing for a while a decrease in the numbers because the local residences were getting older and they did not have school age children. So, it doesn't always mean that everyone living here is going to move as soon as their school aged children are out of school and then somebody is going to come in and bring more children. So, yeah, you could have development come in that is adding to the school system, but your existing residents are actually taking away from the school system. Those are the things that go into the factor that Adamo has to come up with. They study this over decades to know what the trends are and it is not just a matter of more homes mean more and more schools. Just wanted to add that and again, my concern is collecting more money that even they have the need of. If we were going to do that and the goal is to try to use this as a way of preventing development, then you probably ought to consider raising it, but I am not suggesting that. I would suggest, again, keeping in line with the county because that is where the money is supposed to be going to.
- Hammler: If someone does come, it would be good not to just assume, you know, the trends that they have looked at but certainly it does seem that there is a trend with extended families living together that could have more school aged children than existing housing. Trends towards adoption, any number of things. That would be helpful to more fully understand. I think it is a good idea that the Council get involved in directing the funds, not just passing a resolution to extend the funds, so I would support getting that in writing as far as whatever we eventually decide about the CIF levels.
- Mayor: What I seem to be hearing is there is a consensus not to vote on this tomorrow night, at least as far as the schools go, but to invite Mr. Adamo to come in.
- Hammler: I did mean to say one more thing. Your mentioning bathrooms as an example. My question was whole day kindergarten and creating a capital benefit to school aged young kindergarteners in Leesburg to have those facilities built. I think we are a disadvantage because otherwise we could have been more actively involved in that.
- Mayor: Good point. Susan, do you need anything else from us at this time?
Staff answer: I think what I have heard is you would like to invite Dr. Adamo to talk about how he – what factors go into the CIF. We can certainly invite him.

- Mary Harper: I am listening to all of your comments with great interest. The one thing I would suggest is the county changes their CIF numbers – how often, Susan? Is that yearly...right. I just think to be efficient, whatever the CIF numbers are, we stay on top of it instead of us having to reinvent the wheel and use our finance folks and all that stuff – the numbers are there and they are doing them for subsets of the county for the various incorporated towns and so forth. Also, as far as real estate is concerned, there is a reduction in, you know, population for the last four years in Virginia. I mean, as a whole, and we are not the fastest growing county anymore. In 2005, when this resolution came forward, that was when real estate was in its heyday and some people thought it was never going to end. Well, obviously, it has with a screeching halt and it is slowly recovering. But there is not – and some of the housing types that we are currently looking at approving are not conducive to family living, so you don't get children that would require schools. You don't get a lot of school aged kids in 2 over 2s and so forth. That is all I would have to say – just keep an eye on trends as far as what is happening in the housing market and the building market in the town of Leesburg and then just work with the county rather than having to reinvent the wheel every two years for CIF. There is school CIF and the other capital intensity factors that do vary from house type to house type to cover the other services that we need. The 55+ issue would probably come up at that time.

Notar: I just want to caution the Council. First, I totally understand that you want the data behind the figures from the county and I understand that you want to hear that. I just want to caution the Council that remember the CIFs are tied to proffers and there has to be a nexus and a rough proportionality between the proffer and the demand. Proffers have to be voluntarily proffered. Remember, so, I am a little concerned when I hear discussion about we should take more than what the county says. If you agree with the figures the county is giving us, you really should adopt those because you will see from this next conversation, when it comes to the CIF for non-school contributions, that is why we didn't do it in the past because we weren't confident in the figures. If the Council decides to do the non-school CIF, we must be confident that those figures match what the proffer contribution. I hope I am being clear. Susan, I think will clarify, if I am not. So, to conclude, once you are confident that the county is giving figures that are accurate for Leesburg, you probably should adopt those figures and not say we are going to keep more, we are going to demand more. Because then you won't have a nexus. A developer could challenge that, in my opinion.

- b. Capital Intensity Factors (Proffer Contributions and Appendix B)

Susan Berry Hill stated this is the other side of the equation, which is the non-school CIF. Added to the school CIF, this equals the total CIF.

Key Points:

- County uses the equation referenced earlier and the non-school portion of that equation is household size x facility cost per capita.
- Household size is something they generate through population estimates and census data.
- Difficult part of the equation is the facility cost per capita.
- This can include new capital construction as well as capital replacement in various categories such as parks and recreation facilities, stormwater management facilities, municipal buildings, safety facilities, and transportation infrastructure.
- The Capital Intensity Factor (CIF) is a proffer guideline that is developed with inputs that are specific to the adopting jurisdiction.
- Once adopted, it offers a fair and equitable means to assess land development impacts from land development proposals on facilities within the jurisdiction.
- Methodology used to develop the non-school CIF includes:
 - Forecast demographics – population and household size.
 - Capital facilities standards – what level of service do you want to provide to your citizens.
 - Needs assessment - what is needed to provide the standards.
- Non-school CIFs are tailored to the communities that they serve.
- CIF tries to set forth a reasonably derived factor that has a relationship to the needs of the community.
- Appendix B of the Town Plan is used to offset regional road impacts.
- Appendix B was derived in 1998 and looked at planned, unbuilt roads in the Town Plan Road Network. It has not been updated since.

Council Comments/Questions:

- Burk: I think it is very important that the town set this up. We have been losing money for years. I mean years. We need to get these transportation contributions in. This is a process that is already being done in other localities, such as the county. I just think it is – the Commonwealth is expecting the counties, the cities and the town governments to be more self-sufficient. They are giving us less money to do things and I think it is not fair to continue to ask our citizens to pay for these developments and the impacts of these developments. I think if we create these capital intensity factors, we will be able to get some relief in regard to stormwater, all the things we have to do with that. Most certainly, with the roads, the transportation, the fire and rescue. All of these things we are now asking the taxpayer to pay for, which really should come from any development that comes forward because they are creating the impact to it. So, I can't encourage us as a

Council strong enough to get this process started. If you really feel that there is a need for a contractor, I wish we had some money associated with how much it would cost. I do feel very strongly that this is something that is well overdue. Having not changed our transportation requirement since 1988 is ridiculous. We are a totally different town than we were in 1988, yet we are saying to a developer that you only have to supply this much because we are putting on guidelines from 1988. So, I think this is long overdue. It is a shame we haven't done it sooner, but I think we need to start working on it now. I did have a couple of questions. One is the fiscal impact model. Why couldn't that be used for the CIF because that was all about annexation and what the impact was going to be there. We couldn't take that program and use it?

Staff answer: A good question. My understanding is that the Fiscal Impact Model is a more of a macro model that looks at various – looking at different scenarios for growth town wide and understanding what the overall impact of that is. Whether we could use parts of it to develop a more micro model to use on a case by case basis, that is a good question for Tischler-Bise who developed that model. I haven't dug in with them to get an answer to that question.

- Burk: What about the county numbers on their capital intensity factors? Could we not look at those and see if any of them apply and would be equal to what would be the impact here in the town?

Staff answer: So, one of the key points to understanding how a CIF is developed is it is very specific to the facilities of the town. So, we need to understand what is in our standards. The county Board of Supervisors may have very different per capita standards than the town does. So, to use theirs you almost have to recreate the wheel. I think it would be easier just to start from the beginning.

- Burk: So, you couldn't look at the land maps and determine how much and the type of housing that is anticipated and then, you know, people per house type determined by the county – use that county formula, which I don't think any of us would have any problem with. Use that, since we are using it for the schools and then look at the services that we need and then divide it by households. You are saying that would really be a job that a consultant would need to do because it would be very time consuming?

Staff answer: It would be very time consuming, yes. Right now, staff – I have talked to Clark Case today because finance department will be a key player in that and he said it is not that they don't have the expertise to do it, it is just that they don't have the time right now to do it.

- Burk: Oh, is that right? That's a shame. Well, I just feel very strongly that this is long overdue and we should get going on it. I don't know if we want to hear from the planning commission. Did they take a position on this?

Staff answer: No, this has not come up at the Planning Commission, but you have some members here, if they have an opinion.

- Mary Harper: So much fun spending the evening with you guys. We have a planning conference once a year and one of the things that we gave high priority to was Appendix B. That was when we found out it had been more than two decades since it had been looked at and we were looking at the road maps, etc. We gave this one of our top priorities and we are hoping that maybe the council, after seeing this will possibly change their minds on that and get it up there in the top four. I don't know what it is going to take as far as consultants and so forth. That is outside of my paygrade, but we decided back in, I believe it was March, correct me, Commissioner Robinson, that this was one of our top priorities so that we could have a better concrete understanding of what these special exceptions, redevelopments, rezonings rather what they are actually costing us in dollars.
- Martinez: Actually Kelly pretty much said it all, so I'm good to go.
- Hammler: As Susan knows, I have been yanking this chain for a while as well. Not just because of how outdated the CIF is, but more importantly the omissions. That we don't have our police, stormwater management even included. Huge, huge omissions. It has been costing us – taxpayers have been paying everything in the CIP. So, I do support moving it forward. Would appreciate a ballpark amount for what you anticipate the consulting. I was not aware we were going to use consultants. So, if you could email us that because presumably it is not available this evening.

Staff answer: We did get a ballpark figure, which was around \$75,000, but...

- Hammler: We need to know where that is coming from and how we can swing that. So, we need to bring that up under new business – identifying where those funds are coming from and then a related question is the timeline when we would expect this to come back. There are some very important current rezonings in play so at some point, we almost need to anticipate what these guidelines are for the discussions we are already in. So, staff, I think needs to provide some, you know, guidelines.
- Martinez: When we talked about a consultant and if we decide to go in house, I would like to know if it is possible to identify what projects would have to go by the wayside for somebody to focus on this. For me, it is very important that we don't slow down what we are doing. If we end up doing this in house, what other projects are going to be impacted by that.
- Hammler: Well, I have heard loud and clear as we are not in a position to do it in house. So, I don't think that is an issue.

Staff answer: Just to clarify – I think what we could maybe do is Appendix B in house. That is not as complex as developing a non-school CIF. But, if we do that, we need to make sure we understand

from Council what your priorities are and what needs to go on the back burner.

- Butler: I would just like to remind Council that this is Capital Intensity Factors. My understanding is it is not to be used for operational costs, so there are definitely some things that we may be assuming that we may be able to get from the developer that we probably will not be able to get. Also, the risk here is that we actually undersell ourselves because it is not clear to me that we have been losing a lot of money lately. It seems that whenever I look at the amount of proffers that the county is getting, that generally we get significantly more proffers for the same sized developments.

Staff answer: I don't know. We would have to an analysis.

- Butler: Anecdotal evidence just from the ones that I've looked at – I can't say that it is true. It's just that's the impression I get from looking at what, say a development at the county does, and the amount of proffers that they get from them. It seems that we have, on average, done better. It feels that way. Whether that has been true in real life, I can't say but it – just want to make sure that this doesn't have us go the other direction. Quick question on the previous one. If Mr. Adamo could end up getting us the numbers and the analysis ahead of time, that would be great so that we could prepare some questions perhaps and make it – shorten the overall time frame. I did have a specific question about say the crescent district. Let's say there was a building that can by right hold 20 apartments, or 20 multi-family units, whatever. And with a rezoning, they can bring that up to 30. Then either one of those capital intensity factors would either apply to 30 units or to 10?

Staff answer: 10, the way we apply proffers.

- Butler: It would be interesting to see how Mr. Adamo took into account, or how this analysis will take into account the potential that we have for hundreds and hundreds – you essentially have hundreds and hundreds – many hundreds of residential units that could be built by-right within the town. So, how that all factors in – obviously we will get zero capital intensity factor for all of those units. How that all plays into the analysis and everything, I would be interested to know. Certainly, what are we going to do here. I think it is okay as long as we make sure we do a good job and don't sell ourself short.
- Dunn: What are the four main areas that Council has already directed planning to work on as our goals we have set forth. There were four that we chose. What were they?

Staff answer: There was the CIP criteria, that was developed and that project is done. That was used in our CIP this year and that is finished. There was the H-2 guidelines update and that is combined also with the East Market Street area plan. That has not started and we will talk about that on August 11, I think, on your work session. There is the flood plain ordinance, which updates, which is currently underway and

I am drawing a blank and it will come. I will get back to you as soon as it pops into my head. Low impact development. The EAC had recommended that we develop regulatory changes that would foster low impact development. That could be things like green roofs or reduced parking standards in some places.

- Dunn: Things would have a lower impact on maybe our capital needs. Staff answer: I don't know if you could say that or not. The intent as to reduce run off. So, that whatever you are building will kind of take care of it rather than have to engineer stormwater management.
- Dunn: And where are we on that? Staff answer: That has not started.
- Dunn: Okay, and we set these goals two years ago – two and a half years ago. So, we have got one of them done. We have two that aren't really started and one that is kind of in the works. And, I guess my concern is here is something that was brought up at the time, that was on the list that we did not put to the forefront, and yet now it is trying to creep up above the things that we already agreed to that we felt were the priorities at the time. Why is this coming before us? Staff answer: This was an item of interest by Council Member Burk and Commissioner Robinson. They asked about the non-school CIF and appendix B and what would be involved in establishing a non-school CIF and to update.
- Burk: And it was on a work session that we did that.
- Dunn: I really have to encourage Council when we try to work on planning issues, and I hear it from my planning commissioner that we can tend to get drawn away very easily just by the demands within the public sector – or I should say everything outside of us – developers, citizens, wherever. There are other requests that come before us. In fact, it is one of the things that we will be talking about this evening. It is – I guess I would have to ask you, Susan, what do you use to manage those various impacts that can draw on your limited resources. What do you use to manage, other than coming to us and saying, hey should I go to Council and have the direction changed. What do you use to manage all those impacts that are drawing you away in different areas so that you can stay focused and use those limited resources to still get the work flow done properly? Staff answer: That is a difficult question. I use – first we have to get fee funded work done first, which is land development applications and as you know our land development activity is way up from what it was several years ago. So, I am having to get staff resources working on those things first. As the Council initiates zoning ordinance amendments or different types of research on things, we work on it as we can. Obviously if there are zoning ordinance amendments initiated, we try to focus our attention on those things. It is the planning, long range things like the update of the H-2 guidelines, the development of an East Market Small Area Plan that are very, very difficult to work

into our work program. When they are not, I want to say fee driven, or demanded, those long range projects are very difficult to try to get started. So, one of the things we are going to be talking about on August 11 is how do we do that. I know you have been interested in update of the H-2 guidelines and so we are planning on talking about that at that meeting.

- Dunn: I've got a very simple way to relieve you from that requirement. It is called line through it. It hasn't worked and there is no need for it. That will relieve a whole lot of work requirements. It was mentioned too that we are losing money. You can't lose something that you have never had. I think Dave alluded to that is that we have been collecting proffer funds from developers and builders in the past and yeah, this might be – have a negative impact. You can't say we have been losing money, because we have never had it. You can't lose something you've never had. We may want to get more, but you can't lose something you've never had. The other thing is, and I think Dave I don't know if you finished your comment or maybe you just very lightly addressed it, but I too would like to know what capital is going to be impacted. What are these funds going to be used for? You can say it is going to be used for Parks and Recs, but then are we going to do anything with parks and recs? Because remember, folks are contributing to parks and recs when they pay their taxes. This brings in additional people who are paying more taxes towards that. So, there are tax dollars that are going to fund certain things. So if this is a true capital impact, what capital issue is going to be addressed through this new fund. I am not sure what that would be. We mentioned roads. But, your estimating at this point, just from what you have in your writing about \$1100 plus a penny amount per square foot. Do you have a rough idea of what that would be based on our average square footage?
Staff answer: I'm sorry. Are you referring to our current benchmarks?
- Dunn: Yes.
Staff answer: \$1000 per unit.
- Dunn: Yeah, you had \$1000 plus a hundred plus 20. We will just average it and say 15 cents per square foot. Do you know what our average square footage is in the town? The average house being built today in Leesburg.
Staff answer: No, that is square footage for non-residential. The residential units require rescue \$100 per unit, and then 10-20 cents per square foot of non-residential is usually our benchmark.
- Dunn: So, it's \$1100 is the benchmark and how many units do we have on the books that can be built by-right?
Staff answer: I can't answer that off the top of my head.
- Dunn: I know we have got the number somewhere. It's not that tough. I won't ask you, if you don't know it. It is in the Town Plan. The numbers, it is not that great. I am just wondering – if we are using this as a benchmark, how much more money are we actually talking about

and what would those funds go towards? I would tend to want to lean away from having a consultant do it and in fact I would tend to lean to wanting to even be doing this until we work on the goals we have already established years ago that frankly should be done already. I know that staff gets pulled in a lot of different areas and much of that comes from the people you are looking at right now. We will take on projects that take a lot of time and a lot of effort and also with the Planning Commission and it comes from Council and we don't stick with our own goals. I would suggest strongly that we stick to the goals that we established years ago, get those done, or as we are starting to see those lessen in requirements and work load, that we then pick up other projects. You had a list of 10 or 12, maybe 15 items on that list. They are still there, but I think we are going to do ourselves an injustice if we start deciding that you know we didn't get to those projects that we determined were the most important. We are now going to pick up and go further down the list. Guess what is going to happen – it is going to go on the list and then something else is going to be determined as now it is more important. You have got to stick to a plan – funny, that is in the name of this, isn't it? Planning. You want to stick to a plan and work it through, but this jumping around – I can't encourage this at all. By the way, it said that we have got to get this money so that it saves the taxpayers. Last time I checked, there isn't a house that gets developed that the buyer of that house doesn't become a taxpayer. Because their house is costing more, because they are paying more in the home purchase price, they are paying more taxes too. There is never anything that gets away from the taxpayer, whether they are paying up front or on the back. There is always going to be a taxpayer paying for it. There is no developer that is going to eat that money themselves. That is just a fallacy. My recommendation is continue on with the efforts that we established years ago and then as we start to see the H-2 issue being settled, the flood plain issue being completed and the low impact, which by the way, if we don't have anything definite on that low impact, I see this capital intensity issue having the possibility of being included in that low impact, but if you say it was strictly for water run off, then maybe not. I would encourage us to stay the course with what we have already established as our planning goals years ago and let's work towards that and then see where we can add this on, maybe going forward.

- Mayor: Susan, the one area I am especially concerned about is, of course, stormwater management. To what extent do you think we are able to have the developers pay for the primary impact of their projects on our TMDL requirements? Are they – I know we are requiring much stricter systems. We are more strict in what we require of them. But, how much do you think it is costing our taxpayers to cover what they are not covering? Is there a large gap there, in your opinion?

Staff answer: I don't know the specific answer to that, but what I can tell you is that stormwater management and the facilities associated with it, whether it is a regional facility or retrofitting existing facilities, could be included as a capital facility in the CIF. So, we would have to look at what our community facility needs are, establish a cost to those facilities, estimating what that would be and then figuring out within the CIF what that per unit assessment would be. That would be part of the process of developing the CIF.

- Mayor: Is there any good way to figure out what the gap is or do you think there just isn't? Does Fairfax County have any way of accurately estimating that? Or does Loudoun County accurately estimate it? Gap, between what we now require a developer to do in relation to stormwater management and what we don't require them to do that ends up costing our taxpayers money to meet the state/federal requirements?

Staff answer: I don't know and I would have to turn to the Town Manager to see whether or not a study could be done to assess that. I don't know.

- Mayor: And probably more, I would think, if other jurisdictions that are similar to us, if there are such, if they have done studies, if we could get a hold of those and look. I don't know. Kaj?

Staff answer: We can look into that. I don't have the answers. We can check with our staff that are involved.

- Butler: Just to add on to that, from conversations with staff, my understanding that in theory, new developments should provide all their own stormwater management and not have an impact on anybody else. So, in theory the gap would be zero for new development. I am not sure that is true or not, but one of the concerns that I would have is if we ask for significant proffers towards community facilities, would that relieve them of the need to have local solutions for their stormwater issues? I wouldn't want them to be able to take the burden and put it on us, but on the other hand, I know that there is probably a gap between what they are theoretically supposed to do and what they can practically do. I think that came up with the Tuscarora Creek thing, you know. So, any rate – good stuff all around, I guess.
- Mayor: That's really my major area of concern. Your formula for transportation needs calculations, was well written, I thought in that in this changing world of transportation funding, you kind of covered the bases with that simple clause that said well, what percentage of our transportation dollars are going to be provided by other sources. You basically covered VDOT, NVTa and the whole new funding mechanism that is out there, but you probably need a subset of whatever your algorithm is to figure out well, okay what is NVTa likely to be able to provide. So, when you envision looking at say road funding, transportation funding, are you looking at a subset of the formula you are using as well, or do you think your general formula

just incorporates, okay well NVTA will come through with \$30 million for the Battlefield Rt. 7 interchange and everything else can remain the same in that formula. I don't know.

Staff answer: I am not sure. I am making an assumption about what percentage of those road costs and facility costs typically come from federal and state agencies. How you come up with that typical percentage, I am not sure because of course this is a new process, NVTA. So, I am not sure how we would do that. We would probably need to get some assistance from traffic engineers, consultants, that want to help us figure out what those factors would be, but I don't know.

- Mayor: Okay, and feel free to say the same thing on this question, because it is just a subset. As we have more and more pavement to maintain and we have seen this with VDOT, more and more of their money goes into maintenance, they have less and less money for new construction. That has been a chronic problem in the state for well over a decade, probably at least two decades. So, I assume when we are looking at capital intensity factors when it comes to roads, we are thinking okay, well we have an aging plant. Our roads are going to need constant repair. The more roads, the more lane miles we have, the higher our maintenance costs are going to be. So, I would assume you would be envisioning some formula that would have that as part of it.

Staff answer: I would think so. I would believe that ongoing maintenance of capital facilities could be included in the CIP.

- Mayor: Have we not done that at all in the past?
Staff answer: We have not.
- Mayor: Okay, alright, we will probably need to if we go forward with this. Other questions from Council? Do you need anything else from us on this topic, at this time?

Staff answer: Well, I'm not sure what you want staff to do on this topic. Do you want us to come back to you with more specifics on what it would take to develop a CIF and/or Appendix B? It is possible that these two could be combined into a CIF. Or, do you want us to focus on one, not the other? I'm not sure.

- Hammler: I think it would be helpful and it sounds like a couple of council members may just need a little background, but I would appreciate a memo in terms of clarifying the cost – where the money is going to come from and the timeline. I would say that we need to do our own CIF before we even look at the school CIF, because I think we need to back into that based on the total amount. The other kind of question I want to throw out, because I'm just not sure, it strikes me on occasion when the county is an applicant, that there may be different standards. And I say that because when Tuscarora was built, it struck me versus what could have been the O'Connors building off Loudoun Country Day, that they were already planning to fix some of the

transportation problems that never got fixed north of town, as an example. I know that a couple of us have even pondered whether as we are streamlining the county courthouse issues, whether there is opportunity for say proffers for some of the additional capital construction in the downtown on King Street, as an example. That would be a related tactical question I have in terms of the county being an applicant relative to capital intensity factors.

- Mayor: Alright, so what you need is to find out how serious we are about this. We are going to have to – I think our premise is you can't do this unless you get rid of some other priorities.
Staff answer: I don't think we can do the CIF without consultant help.
- Mayor: Alright. Okay. Is there a way for you going to what Katie was saying, to get us an estimate for what a consultant might charge?
Staff answer: We could put out a request for interest to see what it would take to develop a CIF and maybe get some more responses that way.
- Mayor: Kaj, what do you think?
Dentler: We have given an estimate of between \$70-80 thousand in your memo. It is fair to say somewhere between \$70-80 thousand is a preliminary estimate at this point. If that is a number that doesn't scare you away and you were still interested in proceeding, we can try to refine that information, as Council Member Hammler has raised. Refine that number, identify for you where that source of money is coming from, timeline to get the work so you have a little more to work with in your decision making process and we can put that on a future action item versus a work session. Then, if you are comfortable with those answers, you could vote on it that night. But, if you don't want to go that direction, we can't take this on. We need the outside consultant. Kind of are you comfortable with doing that.
- Mayor: How comfortable is Council with spending \$70-80 thousand on a consultant?
- Hammler: I think the quicker eye tells you that we have to do it considering we are losing money. We have got to get the numbers. But that is my opinion.
- Martinez: I was just going to say a lot of it depends on return on investment. What are we going to get for the \$75,000? If we end up collecting enough to pay for that within a year, two years, is it worth it and I think it is.
- Burk: I feel this is long overdue and I think it is worth the investment because I think the return will be to our benefit.
- Butler: Yeah, I agree with Council Member Hammler if you can assume that \$75,000 and assume you are close – and tell us what is the timeline, where will the money come from, etc. and just put a resolution on the next agenda or whatever agenda is comfortable for you and then we vote.

Dentler: I will do that. We will make sure we zero in tighter on that dollar too. At this point, it is a preliminary estimate.

- Butler: Just to make sure you tell us \$75,000 and it doesn't turn out to be a hundred.

Dentler: Right, whatever it is we will let you know if you want to vote on that.

- Dunn: Yeah, I have zero desire for spending \$70,000 or 80,000 or seven dollars for a consultant on this. You've got – if you had 6,000 more units that you could build in Leesburg, which I think is high at a \$1,000 a unit, that's six million dollars. Six million dollars only goes so far when you are considering capital improvements. That six million dollars is what people pay, not developers, folks. The buyers of those homes will pay that in those home prices. It is fun to say well we are going to sock it to the developers, but you don't. You sock it to the home buyers, which are your constituents and eventual taxpayers. So, and not only that, it takes us off the mark of our goals that we set. I think that before we jump to saying we are going to take this on, you need to readdress what goals are we going to take off the table so that staff can work on this. It is a bigger issue than deciding hey we are going to do this and let's spend \$70,000. My vote is no.

- Hammler: Sorry to belabor this point, but Dave and I often ask ourselves why does this stuff have to cost so much money when isn't there some logical way that we can find out guidelines from other municipalities and add in TMDLs and the police department and come up with a reasonable set of guidelines that we could get much more quickly without such – why do we have to do a \$70,000 external consultant process for this?

Dentler: This is a process that we will have to defend, because we have to have a rationale and a basis just as we were discussing earlier on school contributions. What is the logic of Dr. Adamo's decision making of bringing down the numbers? We need to have a very good explanation and understanding of how we came to those numbers in order to be able to defend that. It does require professional expertise and it does require resources from a manpower perspective to get that done. I am not recommending that we just rush through that. I understand where you are coming from and don't totally disagree, but would not feel comfortable giving you a recommendation without much more professional foresight than what we can provide at this time.

- Mayor: I think this needs to go to a vote of some sort at some point.
Dentler: We would target – try to get to you in two weeks for a vote. It is your last meeting in July. If not, we would certainly try to target August. As soon as we are ready, we will place it on your action for business. We can answer all your questions and if you are comfortable, you can vote at that point versus having another work session – we can have it ready for you.

- Dunn: Do we know what new development we have coming in in the next two years?
Staff answer: Well, we know through the pre-application meetings that we have with potential applicants, what those applications are trending towards, but of course that changes all the time in terms of things pop up we didn't anticipate. Yes, we know kind of what our applications should look like for the next probably nine months to a year, but beyond that it is hard to tell.
- Dunn: If you could give us those numbers too, because a lot of the reason for rushing through this is as you heard the phrase used tonight, we are losing something. I'd like to know based on future development why we need to do this so quickly based on we are trying to beat the developer to the homes they are building and get these funds in. So, again, if we are spending \$70,000 or we are planning on getting a certain amount per unit what is that actually going to mean based on applications and do we know what those numbers are. Again, I would like to know what our by-right numbers are and what those applications look like over the next two years and if you have any that might take even longer, that you are getting some discussions about. It would be good to look at how much money you are actually looking at bringing in versus what it is going to cost to do this in both staff time and potential consultants.
- Burk: I would just like to add something. I guess I am confused. I just don't understand why we are hesitating on this when what we are doing is going to be asking developers to pay for their impact of their development. I don't understand why there is any – I just think it is – you know, by getting this money perhaps we could even lower the tax rate because they would be paying for things that we now have to pay for out of the tax rate. That was my intention in bringing this forward. I hope in the end, we will end up getting it passed in one form or another.
- Butler: Just a quick item in why I have some concerns. If we were to say like Village at Leesburg. If we had some capital intensity factor for road improvements and we multiply that by the number of houses that were approved, there is no way that capital intensity factor would have been large enough to build the interchange so what would have happened is the developer would have come in and said hey look, you are telling me here is the capital intensity factor for transportation. I am willing to write out that check. Boom. And that interchange would not have been built, but instead through discussions – no it would have not been built because....no they didn't. They did not. That was something that we discussed with them and they ended up volunteering for it. But if there is a capital intensity factor, there is almost no way we are going to get more money than that capital intensity factor. So, that's the concern. You aren't going to get less than the capital intensity factor, but you are highly unlikely to get more. So, I think

before we jump into a capital intensity factor, we would need to justify the capital intensity factor logically so that it would stand up in court. I think we should look very closely to make sure that the capital intensity factor is going to be as high or higher than what we have typically received in proffers in the past. Like I said, in the case of Village at Leesburg, no way. Many millions of dollars we would have lost on that one and it is not clear on some of the others what the numbers would have been. That's just my concern with this, which is why I am not jumping all over it, because we kind of box ourselves in if we do this. Maybe boxing ourselves in is a good idea, maybe boxing ourselves in is a bad idea, but it is not a necessarily a good idea for sure. It could be a bad one, so we have to keep it with our eyes open.

- Mayor: I would just say on that one, although I like my colleague to my right, I do agree with Kelly on this based on the conversations we had back when the Village at Leesburg was being discussed. The developers did need to get that major interchange in because Wegman's wasn't going to go in without it and they couldn't handle the traffic that development would generate without putting the interchange in. They may have made it more attractive than they absolutely had to and I think it is actually very attractive bridge over Route 7 and we had a lot of discussions about the design work back then. Anyway, that is my personal opinion. Susan, anything else you need from us on that issue? Okay.

- c. Applicant Initiated Town Plan Amendments (AIPA) – Recommendations from the Planning Commission
Susan Berry Hill presented this item.

Key Points:

- Staff and Planning Commission are in concert on these recommendations.
- Should the town of Leesburg continue its current administrative practice to allow applicant initiated plan amendments and if so, should the town of Leesburg continue its current administrative practice to allow concurrent review of plan amendment and rezoning proposals?
- Question was debated by the Planning Commission after review of the Lowe's application, which included concurrent review of a Town Plan Amendment and a Rezoning.
- If this practice is not continued, what would be the alternative?
- Town Plan can be amended through a Council or Planning Commission initiated amendment or applicant initiated amendments.
- Some localities do not allow applicant initiated amendments.
- The Zoning Ordinance contains criteria for amendments:
 - Will amendment better realize the goals of the Town Plan?
 - Does the amendment rectify any conflicting goals or objectives?
 - Is it more specific?

- Does it address a change in circumstance?
- State Code requires communities to update the code every five years, so these amendments would be in addition to the required five year updates.
- Rationale for applicant-initiated plan amendments and concurrent review is:
 - Allows applicant to submit ideas between the five year reviews.
 - Meets public needs.
 - Saves time over sequential review.
 - Time efficient is business friendly.
 - Applicants can use the rezoning proposal to explain the reason for Town Plan amendment.
- Problems with accepting applicant initiated plan amendments and performing concurrent review with the rezoning include:
 - Lack of justification is often provided with the plan amendment.
 - Often constrained to one geographic parcel; does not look at overall concerns.
 - Broader options and opportunities are not necessarily looked at in applicant-initiated amendments.
 - Justification does not typically provide a full analysis.
 - Inefficient and sometimes awkward to review rezoning and plan amendment at the same time. Requires staff to assume that the plan amendment is a good idea in order to review the rezoning.
 - Public input is late in the process.
 - Less willingness by the applicant to entertain other options.
- A majority of Planning Commission recommended sequential review with Plan Amendment review going before rezoning.
- Various options provided included:
 - Twice yearly window for plan amendments.
 - Council could sponsor a plan amendment, rather than applicant initiated.
- Mary Harper: This is a topic we have discussed for a long time. We have put a lot of thought into it. Our biggest concerns were that there was consistent approval. This came right out of our October 16 minutes – concerns expressed include consistent approval of applications that were inconsistent with the town plan rendering the town plan meaningless and the amount of staff time and resources that are utilized working with applications when the land use is incompatible with the town plan and a decision of denial based on a quick review of the town plan without the benefit of the detailed analysis that would be part of the town plan amendment. These were comments expressed during the discussion to determine the overall consensus. Then after much discussion – I think that was a pretty late meeting if I recall, Commissioner Robinson made a motion and I, at that time, I was like – I was the one nay vote and I voted nay by mistake. I apologized to Commissioner Robinson and we are over it by

now, but would have actually been a 5-2 vote, which would have been unanimous for that night – we had two absent. We would like to see no applicant initiated town plan amendments. We did talk about the two tier process, but it would not be concurrent, it would be sequential. Then, there was also a request for the town Council to initiate the town plan. We do like that you would own it so therefore if there was public outrage, we would certainly know where to direct the people to call – what number, etc. We had those things – there was a lot of pressure brought to bear, not only on us, but we felt by watching some of these meetings because we do watch some of these meetings with you guys, there is a lot of pressure brought in by developers with the town plan amendments. We are going through some of that right now as a matter of fact. We just would like everything to be more even keeled and everyone is on the same playing field. It doesn't matter who the applicant is that comes in. There is going to be a feeling, I believe, of fairness and equity about it. So, that's all I have to say about it.

- Gigi Robinson: I think that if the Council takes twice a year ideas from applicants that want to come in and alter the town plan with fresh ideas. I think that's a great idea. You send it down to the Planning Commission. The Planning Commission has about sixty days or whatever you give it to come up with an answer. Then you can approve it or deny it. It does give you some control. It gives us a very broad look as opposed to package specific, when we are looking at the planning. I think it benefits the town because of the inclusion of things that Town staff is able to give it that it doesn't get with hurry up and give me an application. My one and a half cent.
- Mary Harper: It got to the point, and Barbara, you can correct me if I am wrong. Spot zoning is against the code of Virginia, correct? It gave the appearance with these applicant initiated amendments that the Town of Leesburg was participating in a lot of spot zoning and it became very uncomfortable for the Planning Commission. That started this conversation two years ago. So, that's how we got here tonight.

Council Comments/Questions:

- Hammler: I really appreciate how much time and attention and thoughtfulness the Planning Commission has provided. So, I would just like to listen to my colleagues. As I was listening, I couldn't help to have a kind of cynical thought go through my mind, which is we are dealing with a Dillon rule state and you know, as much as for instance I did not support the process for how Lowe's was handled, it just seems like, you know, we ultimately set ourselves up for these types of games that we play instead of sticking to the long term plan and achieving the kind of balance that we are seeking. I am certainly open to the ideas that have been presented. I think it is a good practice to be open and have the community come to us twice a year to present any input on

the plan and certainly would support Council members taking the initiative, if appropriate.

- Martinez: Thank you guys for bringing this forward. One of my biggest complaints is that when we start doing plan amendments, we add so much more work, especially on the staff side of them trying to guess what the Council wants and the applicant wants and trying to marriage those two. I personally, in place of the applicant initiated town plan amendment, is to – I am agreeing that I would like to not see that anymore, but what I would like to see in its place is a concerted effort by the Planning Commission and the planning department to work together to make sure that our town plan is up to date and is meeting the current needs. The biggest problem is that with economic changes and you know, the market changes, the need for different types of developments change over time and we sometimes lock ourselves into a town plan that may not meet – that met the needs five years but are not meeting the needs today. Just some kind of review every once in a while, six months, a year that says let's make sure we are meeting the needs of developers that are coming through, that are having these applications. That maybe there is something we can do to make a change to the town plan so that way when these developers are coming in, they are not trying to guess or get around it, we have already had the foresight to look at it and say this is how we want our town to look. This is the plan which you need to go by and there is no deviations.
- Burk: Thank you all for bringing this forward because I think this is another very important issue. It does, very much, the applicant initiated plan amendments, very much look like spot zoning and it is not intentional, but it is just the fact that you are not – the biggest weakness in that is that you are not looking at the overall impact. I wrote down just some of the things that the amendment should include – you should consider when you are looking at a town amendment – the general location, the character, the general extent of each feature, any road improvements, any bike paths, bridges, water, public transport, aligning transportation services to accessing housing, communities, elderly, any change to parks, open space, schools, buildings, any change to historic areas, areas for urban renewal, any change to groundwater protection, any change to the CIP, subdivision ordinance, zoning ordinance, any change that will impact the designation of an area or implementation of sufficient affordable housing. That is just the list that came off the top of my head that staff has to look at so if you are bringing it in with an application that is already there and you are trying to look at all of that, it doesn't get done and so I believe the county does it once a year. They look at any town plan or county plan changes – is that correct?
Staff answer: They do not take applicant initiated plan amendments, so they continue to meet the state code requirements of the five year updates through various amendments to sector plans or different

aspects of the county – and I think they are ramping up for a major update.

- Burk: Yeah, they sure are. So, I would support not having the applicant initiated plans and I think this is really important because the public is being kept out of the process. Overall concerns of all the different aspects of what is the impact going to be again of this particular development? Right now, this particular change to the town plan and we have a tendency to look at it and say well, it's okay here, but we don't look at the whole broad aspect of how it is going to impact the town as a whole and yes, I am freezing too. So, feel very strongly that this is something that we should be doing and I do appreciate your bringing it forward. Will this go back to the Planning or this is for us to vote on in the near future?

Staff answer: This is for you to decide, I guess, the questions here might help you step through it. Does Council wish to continue to allow the applicant initiated plan amendment? If no more, then really no further discussion is necessary. Staff would reach out to the development community to make sure everybody understands the change in policy or administrative practice and that would be the end of it. But, if yes, Council wishes to change to the practice to allow concurrent review, then yes, what option that the Planning Commission suggested do you want to go to.

- Burk: Thank you for clarifying that. I appreciate it. I do think you can learn from past mistakes. The county did away with it for very specific reasons of the fact that we were not – the county was not looking at the whole picture. It is a lesson learned and we should follow that at this point.
- Butler: It is kind of a catch 22. If you are thinking of doing this because you think it might slow down development, it won't. The risk is that your zoning becomes even less tied to your town plan than it is today because you know it is always you have to play zoning chicken because you are in a proffer situation. So, it's – I don't know, maybe it is less burden on the applicants because they don't have to bother with a town plan amendment anymore. They can just come in with whatever rezoning they want to and we just move forward regardless of what the town plan says or doesn't. As an ex-planning commissioner, that kind of bothers me a little. On the other hand, making ad-hoc changes to the town plan doesn't create spot zoning because the town plan doesn't really have anything to do with the zoning so it is all the applicants and what you want anyway. I'm not sure I have a whole lot of – I would prefer to have a sequential review, I think, than anything else, because I think that leaves us with the highest degree of alignment between the town plan and zoning, which I think is important. If we do the town plan amendments once or twice a year, I think that actually will create more work because that's more opportunity for people to bring up things to be in the town plan whether there is

applications related to them or not, so you may end up with a whole lot more, but you end up with less work. I'm not sure it is for sure either way. I don't know. I don't have real strong opinions one way or the other.

- Dunn: Mary had talked to me about this and as is sometimes, maybe more often than she likes, I wasn't quite in agreement with her. This is my view. Regardless of who brings the amendment to us, there is a couple of things. One, is that I feel that the staff and the planning commission and Council would do diligence in making sure that the amendment is properly reviewed and is in the best interest of the town. The other factor is, what I have already talked about is, what is the workload for staff in order to get this done. That should be evaluated like it would be any other town amendment. If an applicant were wanting to bring something forward – say I well I would like to do this town amendment with my application, they could be like no, well, we won't be doing any town plan amendments until next year in September, so if you would like to wait until then, that's fine because that is when we are scheduling our next town amendment review, but you are more than welcome to initiate it. I think that there – I didn't quite see this, but maybe I didn't catch it, but I think that regardless of who initiates the amendment, I think there should be some process – preplanning meeting, preapplication meeting, maybe it is something that is done on a quarterly basis with Council that it is a certain work session or regular session every quarter – maybe it is every six months because I don't think we have that much requirement for every quarter, but the opportunity would be there that the Council would be willing to allocate the resources for that to move forward. Because, that is really what it is all about. It is about Council saying, just like we did tonight, are we willing to allocate the resources to allow staff to work in this direction. I think that there is some other ways of looking at this that could allow for an applicant initiated effort. As I said, regardless of who initiated it, the staff, the planning commission and hopefully Council would do the work that is needed to ensure that the best interests of the town is followed through through that amendment. As in most cases and I would agree that a town amendment or a spot zoning would not hold up in court if it was being based on the town plan. I think you'd have a tough argument on that one. But let's see. Make sure I've covered my notes. Every quarter, and as I recall too is when we have done these, the formality is that the town plan amendment has to be approved first before the rezoning does. Isn't that generally how we have done it in the past, when they are concurrent? Right, because we are doing the town plan and I think that what has happened in the past and I know because I have heard from Planning Commissioners, when it gets up here, it is Katie bar the door, because anything can happen. The concern is that if we have allowed it to go to this point, because we may have had a work session on it, which isn't

always the case, if we are already interested in Billy Bob's Barbeque coming in, whatever it is. Forgive me if there is anyone out there called Billy Bob's Barbeque. If they are coming in and we want it here, then Council is going to pretty much approve it regardless of what Planning Commission has said or what the town plan says. That is the good side and the bad side of political process is we don't have to go by the rules, unfortunately. We can decide all this stuff on the fly. I know it is frustrating for the Planning Commission, but I could go either way on this. I will vote where Council wants. I don't think you are going to see a whole lot of change in it. We don't get a lot of these requests anyway, but even if we kept it as is, like I said, I think that the planning Commission, the planning staff and hopefully the council would take into consideration the long standing plans of the town even if we were to make some slight changes to the town plan during this rezoning application.

- Mayor: My concern with having all plan amendment applications be council initiated is whether we lose fees because of that. Susan, what is our fee situation with town plan amendment applications?
Staff answer: There is \$5,600 for an applicant initiated plan amendment. So, when an applicant submits concurrent plans, they pay for the plan amendment of \$5,600 and the rezoning plan.
- Mayor: So, when Council initiates it, no fee, of course, would be asked from the applicant. Now, \$5,000 is probably in no way covering staff time to handle a town plan amendment.
Staff answer: I would say in the case of Lowe's, no way. We spent way over that. And in most cases, I think that is it because it is a very lengthy process to kind of figure out the what ifs. It is just a not real easy process to get through. We could, if we approached it as, if someone were to submit a rezoning and it was not consistent with the plan, which is recommend denial, we could truncate that process and not spend so much time on staff time on it; however, we also know that the town council expects us to help applicants and help them figure out how to shape an application so that it is more acceptable. The question there is how much time do we spend on that.
- Mayor: I have always had some hesitancy about council initiated plan amendments or council initiated rezoning because we get no revenue to cover staff expense in those cases. The sequential aspect, having seen how Lowe's worked, I think the Planning Commission raises a number of very good points as did staff, that it was impossible for them to adequately deal with the applications being required to do it simultaneously. I think that made it very tough for Planning Commission, but I am not looking to give up revenue from development at this point, so I am not sure I would be that supportive to eliminate developer initiated applications and have everything done by Council, because then the taxpayers are carrying the full burden. I'm not thrilled with that approach, but the sequential aspect, I think is

worth saying that these applications should be sequential just because it can be really challenging for the planning commission and staff otherwise. I don't know. Do you need an answer tonight on how you want to go on this? I think I am hearing something of a consensus to move away from applicant initiated...

- Burk: Now, wait a minute. Your argument might have swayed one or two of us.
- Butler: Sequential is my preference.
- Mayor: What is your timeline for getting an answer out of Council?
Staff answer: No timeline. Not for this. So, this is – the planning commission would say sooner, rather than later.
- Burk: I could go with sequential.
- Hammler: I think you made a good point about the fees. That would have been useful information to present relative to what the town would forego.
- Mayor: I am hearing Dave – sequential. Kelly – sequential. I agree sequential works better.
- Butler: If we get a fourth for sequential, we could vote on it tomorrow, then we would meet the Thursday timeline set by the planning commission.
- Mayor: Is there anybody else who is feeling strongly that sequential is the way to go on this? I am not hearing a fourth at the moment, so right...
- Mary Harper: We did not have a problem with sequential. It was when it was all being done at one time – I mean obviously Lowe's was the big example. Leegate was another one. We have got other ones coming up – they don't need to be named at this point, but we have got a lot of them coming up that are asking for special exceptions and rezonings and amendments. When all that stuff is in a big pot boiling at the same time, there is a lot of room for error. After the voting is done and over with by you guys, if something goes bad, it is like I didn't realize that was there. I mean you can miss it. There is unintended consequences of doing things simultaneously. So, sequential – we called it, I believe, the two tier option. We were fine with that. We certainly don't want to lose any revenue for the town.
- Dunn: Is there a timeline from the end of one to the beginning of the next, or can they actually [inaudible]?
- Harper: No, they cannot be concurrent. That is the problem, Tom.
- Dunn: So, you are talking about with this, you would do just the town plan. You would not even consider anything of the rezoning until the town plan amendment was done and then you would pick up the rezoning?
- Harper: I believe that is how we...
- Dunn: I think that voting would be the decision part of that.

Staff answer: We talked about could an applicant submit the rezoning and plan amendment together and then just push forward the plan amendment first through the public hearing process. That was one option. Then another option we talked about was well, let's – we could accept the plan amendment, hurry that through – give it a good analysis, but at a certain time line for review that is not extensive and then the applicant could submit the rezoning. They looked at both of those.

- Martinez: Mary's arguments swayed me. I will go ahead and go along with the sequential.
- Hammler: What I was going to say but I got my hand up too late – I would certainly welcome public input. I don't necessarily want to make a decision at 10:15 tonight and when I think through the realities of Lowe's, even if we technically had a sequential and we literally considered the town plan amendment in isolation, then low and behold, no pun intended, we would have probably still passed it because you don't have to follow the town plan. So, again, I am being a little cynical about this but I am open to public input relative to what we decide.
- Dunn: I would like to know what that sequential – what is the timeline on that? Is the voting sequential, or the submission?
Staff answer: If that is the direction the town council would like to go, we could come back to you with here is kind of how it would work. Here is a timeline. We will talk about that at planning commission and come back to you with the proposal.
- Mary Harper: Give them an example so that they can see how it...
- Butler: I was a little confused as to whether the planning commission would take them sequential and then it would all come to Council as a packet or would you do this town plan amendment and then expect a vote from the Council before you even address the rezoning? That would be a different process.
- Mary Harper: I think how it was discussed and Commissioner Robinson, you can correct me if I am wrong – I think it was two tiered sequential done by us and the decision made and then the recommendation brought as a whole to you as the council.
- Butler: Okay. Do you even need our permission to do that?
Staff answer: What we would want to do, I think, is outline the new process and make sure everybody is on board with it. We can send it to you as an information memo. If anybody sees any objection to it, you could tell Kaj and then we would talk about it. If not, we would implement it and make sure the development community knows what the new process is.
- Butler: Yeah, because I am just thinking in theory you should have the authority to go and do them that way yourself without asking us.
Staff answer: It is an administrative process and we just want to make sure we are all on the same page about what we are doing.

- Mayor: To Katie's point about wanting to hear from the community developers, and others, would this change require a public hearing? I think we should do a public hearing, if Council is being asked to vote I would think we want to hear from the Community as to what the impacts could be. I would also ask is will Council be able to regardless be able to overturn it? Because if Council sees they really want a business in town. I think Council would point to Wegmans' as such a business. Is the Council going to say I know what the rule is, but we need to get this through as quickly as possible rather than risk losing it because I think you will have Council members who are concerned about businesses getting underway as soon as possible. Even if we support planning commission and say yes, sequential is the way to go, can this, or a future council have to say well not in this case because we want this business here.
- Mary Harper: That's, I think what we want to get away from is having it different as different people come in. But we just did something sequential in the last 30 days and that was Crescent Parke. They came in for a Town plan amendment and we recommended denial. So, when we are going forward with some work sessions. I believe there is a work session this Thursday on the rezoning piece and then there is one on August 6. That is what we did – do Crescent Parke sequentially. They wanted it all to come in together, but it was just so convoluted. We wanted everyone to be perfectly clear so that we could explain it to the people who appointed us and to the public because they always want to know. We did it that way and that has begun in the last 30 days.

d. Downtown Parking Task Force Recommendations

This item was deferred until the next work session. It was decided that Council would send their preferences on the 24 decision points to Keith Markel prior to the next work session.

2. Additions to Future Council Meetings

Council Member Butler: "I was hoping that Council would be able to vote tomorrow to give me permission to attend the next Council meeting and work session remotely."

There was consensus to add this to tomorrow night's agenda for a vote.

Council Member Martinez: "If the Council would like, I would like to ask Kaj to investigate the possibility of putting lights on Robinson field and see if we can get Babe Ruth and some little league...I know the little league, we got them the lights on their field but they did all the fundraising and a lot of the work. I am not asking us to commit to pay for the full lighting, but to look at maybe getting some of the local sports teams, the American Legion, and others to maybe work on contributing to putting lights there, more nets – I think you got the other list of stuff I was talking

about and just investigating the seriousness of putting lights on there. I know there are a lot of little league teams that would love to have a field in Leesburg to play baseball on. I don't want to start anything serious unless we get some buy in from the local organizations on doing something like that."

It was decided that this could be an informational memo after reaching out to the public.

Council Member Hammler: "Just a suggestion that the Parks and Recreation Commission might want to have first dibs on that memo and possibly take it and then bring it back as appropriate."

"In case it wasn't officially requested, the CIP action item, which was Council getting the timeline – the \$75k, did you all get that? There are four people moving that forward."

This will be placed on a future agenda as soon as the amount can be confirmed.

"There was a memo about the cost to do the research about the origin of license plates for the Route 15 north gridlock - \$2,000. I would like to have us move that forward. I think it is a really important statistic as relates to our lobbying effort, which may be federal and intrastate related but we need the numbers to support it. I would like to move that forward. It will be covered by the department budget, if you read the memo."

There was consensus to approve this expenditure.

"I had requested, but I guess it didn't actually formally get four votes, but in light of the proceedings we had on March 9, and right after that there was a new format for the minutes, which were more verbatim oriented, I had requested that the March 9 minutes reflect the new format and that we substitute the minutes. If I could get four colleagues to support that in total, I would appreciate it".

There was consensus to add this to the next agenda. {Editor's note: It should be noted that the date of the meeting minutes to be substituted is March 10, 2015}

"Finally, Madam Mayor sent a memo to the Board about the Loudoun Museum. But, I actually was going to bring up a broader topic because we really are comprehensively looking at the Rose Garden and I would appreciate, I don't know if a majority of Council would like to do this – or I will just do it on my own, but I would appreciate an updated tour on the program and visitation and a memo with really just a brief history on how we took over the ownership. Maintenance costs, what those costs over time have been just so we can really get a good picture of what is going on with the museum program. I think we certainly looked at the CIP issues with that building and the cost of maintenance, but really haven't delved into it

properly based, you know, a comprehensive look. So, I think it is just good timing given it aligned with that memo. I would appreciate bringing it back to a work session, but we will start with a memo.”

There was consensus to have an information memo on this subject.

“This isn’t a new business item, but because it is tomorrow and it starts at five in the morning, just a reminder that tomorrow is the all-day celebration for Ida Lee.”

Mayor: “I have one issue. I sent out an email to you guys on this – the whole issue about the skate park. We have a deadline coming up in September, I think, which if we are going to move the skate park, we need to make that decision in September. Is there support for a work session discussion at the Monday, August 10 meeting on what we want to do on the skate park?”

There was consensus for a work session in August.

3. Adjournment

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 10:31 p.m.

Clerk of Council
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