

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

**Council Members Present:** Kelly Burk, Thomas Dunn, Suzanne Fox, Katie Sheldon Hammler, Marty Martinez and Mayor Umstatted. Council Member Butler participated from a remote location.

**Council Members Absent:** Council Member Martinez arrived at 7:38 p.m.

**Staff Present:** Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Assistant Town Manager Scott Parker, Director of Plan Review Bill Ackman, Assistant Town Manager Tom Mason, Deputy Director of Planning and Zoning Brian Boucher, Preservation Planner Tom Scofield, Environmental Planner Irish Grandfield, and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**
2. **INVOCATION:** Mayor Umstatted
3. **SALUTE TO THE FLAG:** Council Member Martinez
4. **ROLL CALL:** Council Member Martinez arriving at 7:38 p.m. Council Member Butler participate remotely.
5. **MINUTES**
  - a. Work Session Minutes of July 13, 2015  
*On a motion by Vice Mayor Burk, seconded by Council Member Hammler, the work session minutes of July 13, 2015 were approved by a vote of 6-0-1.*
6. **ADOPTING THE MEETING AGENDA**  
*On the motion of Vice Mayor Burk, seconded by Council Member Hammler, the meeting agenda was approved as presented, by the following vote:*

*Aye: Burk, Butler, Dunn, Fox, Hammler, and Mayor Umstatted*  
*Nay: None*  
*Vote: 6-0-1 (Martinez absent)*
7. **PRESENTATIONS**
  - a. City of Gangneung South Korea Delegation  
 The Mayor and Chairman of the City Council of the City of Gangneung, Republic of South Korea, were honored on the occasion of their visit to the Town of Leesburg.
  - b. Veterans of Foreign Wars (VFW) Update  
 Dennis Boykin gave a brief presentation on the efforts of VFW Post 1177's efforts to raise funds to rehabilitate their building on Old Waterford Road.

**8. PETITIONERS**

The Petitioner's Section was opened at 8:08 p.m.

Judge Dean Worcester "I want to apologize first for my casual attire. I did not know I was going to speak to you tonight until late this afternoon, I heard you were meeting and decided to come over and have judges weigh in on this important decision. We have not been involved all that much with the planning of the courts complex, certainly not as much as we wanted to, so I wanted to apologize first – it is said that people all know what judges wear under their robes. Now, you know. I want to thank you for the time to hear from me. There have been a couple of things, and correct me if I am wrong. I understand that there has been some discussion about possibly moving the courts complex out of Leesburg or moving one or two of the courts out of the town to other locations and I just wanted to share with you my experience from that. That has been studied in the past – 15 years ago probably, the County hired a consulting firm. Dan Reilly and Associates from Florida. They are nationally known consultants and planners for courts complexes. They have designed courts all over the country. They came up and spent several weeks here. We met with them many times. They met with all of the groups that are involved in the courts complex and the unanimous consensus was that is not a feasible option to move any of the courts out of downtown Leesburg for several reasons. I can give you some examples. There are nine courts total all going at the same time. Attorneys have to appear in sometimes multiple courts during the day, sometimes at the same time. We are constantly passing a case because the attorney is in another court – we have to wait for them to finish up there. Same thing with interpreters. They are in other courts. We have to wait and get an interpreter from one of the other courts – wait until they finish. Public Defenders, probation officers to meet with defendants after they have been sentenced and sign them up for probation. If they have to get in a car and drive to another location, it is just typically not workable because all of those functions dovetail and have to work together. With regards to possibly moving the court to the County administration building, that was studied also by Mr. Reilly. A court requires a very different infrastructure than a typical commercial building. You have to have a secure sally port to bring inmates in and out. Secure elevators, holding cells, bathrooms. Courtrooms have to have a higher ceiling than other buildings and that building is steel and concrete. The floors will not accommodate a courtroom, so that was a unanimous decision. That is not an option. This has been studied extensively before and I don't think any of those are going to happen. Those facts haven't changed. With regard to the action by the BAR to recommend not knocking down the buildings on Edwards Ferry Road, a couple things about that. First of all, the BAR is required to make that decision. That is in their charter. They have to vote that way. You, on the other hand, do not. I think we need to view this as an opportunity for the town and the county to expand the courts system and courts complex to this vacant lot where the jail used to be located. The county made the decision some years ago that this is where the courts needed to expand to rather than to go off site somewhere – keep it within a campus and to maximize the space. It is the only space available adjacent to the Courthouse complex. There are no other lots that are vacant and the county decided to expand the footprint and build for the future. In fact, the design for the court complex has the first floor where the Commonwealth's Attorney's office is going to be located can be converted into courtrooms 10, 20, 30, 40 years from now, as needed so there can be a total of six courtrooms in that building without having to expand to another site later. That is part of

the planning. That entails maximizing the building on the space. So, it is an opportunity for you to agree to expand the courts complex and replace the rather nondescript buildings with a courts complex that we hope will be compatible with the historic district. I am not a pro-development, or anti-preservationist. I live in a 200 year old brick house and I owned a house on North King Street, 200 years old where my office was located for many years so I am very much in favor of preservation. This will give you an opportunity to follow the tradition of Virginia Courthouses which are stand-alone courthouses by and large. I have a book on Virginia's historic courthouses, if you care to see it. None of them have small buildings in front of the courthouse blocking the view. They are all intended to be something that stands out that you can tell immediately – this is the courthouse complex. You have an opportunity to make that happen and replace these buildings that were built decades ago with something that is compatible with the historic district, a traditional neoclassical red brick, white column design which is what we are advocating and will continue to do so. So, view it as an opportunity. I urge you to seize that opportunity.”

Randy Minchew “I am here today as a citizen who lives and works in the Old and Historic District. I live at 330 West Market Street and I work at 1 East Market Street. So, as you can see by the pin on my lapel, this is not a House of Delegates pin. This is a Town of Leesburg pin that I am proud to wear. So, I am speaking tonight about my home town. As a person who lives and works in the old and historic district, I wanted to bring to Council's attention, a little blast from the past. Mark Twain once said, “History doesn't really repeat itself, but it rhymes”. This is an article from the Washington Post, May 4, 2002, that was praising our town and the county for a collaborative process that was used that gave rise to the courthouse expansion that was done. The courthouse expansion began in the mid-90s, and Madam Mayor, I was president of the bar association in the mid-90s, when the circuit court judges wrote a rather stinging letter to the then Chairman of the Board of Supervisors saying improve the courthouse or you will need to defend yourself in a court of law. That gave rise to the Loudoun Bar Association suggesting a collaborative work force that as Bar chairman, I could chose good talent. I asked my friend, Peter Burnett, to be the chair of that committee. They worked over the course of two years and you can tell that Peter wrote that because [inaudible] report, but this gave rise to a collaborative town and county process working together with stakeholders from the Commonwealth's attorney's office and the result was a process where everyone was really proud of the end result. I mention that because here is the Washington Post's arts section praising the job that was done. Now, here history is kind of rhyming again. We are 13 years later and we are looking at courthouse process. So far, my untrained eye is telling me that we do not have the collaborative, friendly, professional working relationship between the town and the county. The county brought in some world class architectural talent that knew how to work an infill development with state of the art courthouse architectural technology. That was what was done and that's what the Washington Post was praising. I know that you will be having an appeal tonight to consider those three buildings – whether they should come down in the grand scope. So, tonight in many ways is the early phase in this relationship, that in my opinion is dysfunctional. And, I would love to see my home town and my home county borrow a play book that was done in the mid-1990s, whereas the county actually works with the town in a collaborative fashion and employs good architectural talent. I hope to see an article by the Washington Post that can be written with a time line of 2019 that says you know the town and the county did not start off on the right

shoe back in 2015, after the town council acted on the BAR appeal, but in light of that and in the wake of that, they forged relationship, brought in some good architectural talent. They actually had citizens who cared. They brought in the bar as stakeholders and they gave rise to something that both the town and the county could be proud of. So that's my admonition tonight, as a citizen who intends to be living here in the Old and Historic District when this courthouse project is finished. And that is my comments as a citizen of the historic district and I yield back the floor to my mayor".

Andrew Borgquist "I have been speaking here on multiple occasions before and I am continuing to speak on an issue that I have been bringing before the council. Unfortunately, I'll probably be a little bit scattered as I did not have remarks, but essentially talking about what I also talked about on previous occasions, which is I have been concerned about unaccountable adverse employment actions within the town and essentially, unfortunately through a personal experience kind of realized that, I think, the Town of Leesburg could do significantly better particularly with respect to transparency and to accountability in essentially making sure that employment within the Town of Leesburg is in a fair and equitable manner and doesn't infringe basically on the rights and opportunities of the residents who wish to be employed with the town of Leesburg. So, with that in mind, I have, you know, on multiple occasions again and again sought to try and have some discussion with management with the town of Leesburg regarding the issues that I think could be improved upon, whatever. I really haven't gotten much of anywhere. I have come to a large number of meetings and nobody really wants to talk about it that much and I guess part of the reason is, you know, being connected to my own personal situation somewhat, part of what I have been talking about was the fact that it seems that you know when you have a process that was clearly not the way it should have been and was lacking in transparency, accountability, and basically all the things that we say that we want to accomplish with employment within the town of Leesburg, but of course it then points to the decision that affects my own personal situation, which I feel that was clearly not the right decision and should be made right. Of course, I know that is a big sticking point for the town of Leesburg, but anyways, I am still hopeful that there can be a discussion because I think this is something that is really, truly important and needs to be addressed. I hope that moving forward, there can be something. I have asked on numerous occasions to have a meeting with Mr. Dentler. I have not yet quite gotten that, but I hope that can occur and maybe moving forward this can be an opportunity for the town of Leesburg to improve upon the system that they already have and make sure that they really are achieving the objectives that they are seeking to do which I think doesn't don't really have to look too closely at it to realize that this was not what should have happened".

Matt Cole: "I am here tonight to speak on the courthouse issue. First off, I wanted to reference history real quick. In 1776, the Declaration of Independence was right on the front steps of that courthouse. Not that one, but the original one and since then a lot of history has taken place there. Over the past couple of months, I have also been doing some research on it, looking at it and talking to people about the issue and according to the recent BAR meeting in May, multiple times it was referenced that these houses actually do not meet the requirements for historic integrity. The backs of them have been modified, the fronts of the buildings are not as well maintained as they should be and if you look next to where the offices are located, there is an office park right there with the courthouse on the

opposite side. The streetscape has already been changed. So, to risk losing business, revenue and foot traffic for to say four houses over that – and if we delay the process it is going to cost an extra \$3 million in taxpayer money according to the letter that was received by the town council. It would cost an excess of \$3-4 million to keep these. That is a bill that I don't think the taxpayers deserve to have to pay when having an open landscape there is going to add for further foot traffic to go down Market Street and Edwards Ferry Road. Pittsburgh Ricks and businesses like that would see added foot traffic coming from new courthouse employees and new county employees that get moved to the area. At the end of the day, me and after talking to a couple of business owners, I think it would be a major disservice to the town to gamble with people's livelihoods. We are not talking about me, we are not talking about anybody sitting here. We are talking about business owners and my granddaughter, who eventually are going to have to swallow the bill for whatever we do and whatever changes we make and when we are talking about people's livelihoods, these are people that their businesses – the county and the courthouse has always been here. There is no baseline for what it is like if they are not here. So, we don't know what it would look like if they leave and I don't think that gamble is worth the risk. That's all I have to say".

Howard Armfield "I have worked in downtown Leesburg for 38 years. Our company, AH&T Insurance has been here since 1921. We are here because we love the ambience of the old and historic district. In the 1970s, I was chairman of the Middleburg Planning Commission when we put in the historic district so I am well aware of the importance of maintaining the core of our 18<sup>th</sup> Century town. But sometimes an opportunity arises that exceeds the divisions for preservation. You have that opportunity and you have the power to forever solidify the economic condition of Leesburg in general and downtown in particular. So, take that opportunity, use your power and proceed with the county complex expansion".

Sharon Babbin "Many of you know me, I am a member of the town planning commission, but I am here as was Delegate Minchew, totally on a personal capacity. I am here on behalf of myself, my husband, and our neighbors who are in Florida, not able to be here, Melanie Miles. I live at 208 Wirt Street, NW. Melanie Miles and her husband own the Glenfiddich House which is on King Street and also have the back side on Wirt Street next to us and we know there is no one more dedicated to historic preservation than the Miles. We are residents of the Leesburg Historic District and we urge you to take action today to enhance the property values and economic viability of businesses in Leesburg by showing a spirit of cooperation, not antagonism with Loudoun County over the issue of the County courthouse expansion. We have heard arguments made against demolition of the houses on Edwards Ferry Road, but none of them have merit when balanced against the harm that has already been done and will be done by continuing to play Russian Roulette with the county with Leesburg's economy. Let me address the issues in order. Number one, we need to show our ability to join with the county in recognition of our mutual interests. We need to stop this us versus them approach to every issue. The delays and bickering have already cost Leesburg a prime anchor business, the Victory Brew Pub and have made it difficult, if not impossible for businesses to obtain financing because of the uncertainty for Leesburg's economic future. It does not matter – I am going to emphasize that - it does not matter whether the county is bluffing or not about moving out of Leesburg. Just the threat could kill business expansion and property values and all it takes is a few votes on the Board

of Supervisors to make this threat a reality. Are you really willing to risk all we have worked for in this town? Number two, these houses are old, not historic. Yes, the county conceded they were historic at the BAR, but only because they have no choice under the definition of historic under which the BAR operates. The town council is not so restricted. Number three, the Leesburg ordinances applicable to the historic district restrict demolition of older historic houses, but they do not require maintenance of these structures. The structures in question are already dilapidated. The county, which owns the structures, has stated that they have no use for them and will not use them – will not use the structures and cannot let them be used by third parties because of security reasons. The buildings will continue to deteriorate and become unsafe and unsightly. Number four, there has been debate over the cost to keep the structures and build the courthouse addition around them. The vote on the issue of demolition was delayed from the last meeting to obtain more information on this issue. This debate is irrelevant. It does not matter if the figure is \$4 million or \$2 million. As taxpayers, we would not want to see either amount spent on these structures. More so because they will simply become boarded up eyesores over the next few years. Number five, the slippery slope argument that if we allow these structures to be demolished, then it will be the beginning of the end of the historic district is histrionic, not historic. We have allowed demolition in the past and the end of the earth has not come. All decisions have to be individual decisions made based on a cost benefit analysis and the analysis in this case is not even close. Number six, how important can these structures be when no historic society or nonprofit is willing to take them for free and move them to another site. Should we, as taxpayers, pay millions of dollars to preserve them when they have little or no historic meaning and those most committed to historic preservation simply don't care other than to insist that taxpayer's funds be used to preserve them. I am about to conclude. Please stop this pettiness. Any further delay will only hurt us here in Leesburg more. You need to vote now to allow demolition of the Edwards Ferry structures and allow the courthouse expansion to proceed. As this courthouse expansion project progresses, please keep in mind the economic cost of delay and bickering on other issues – there will be more issues with this courthouse complex, not just demolition of these buildings – more issues will come before you and we have to show a spirit of cooperation. And let me go away from my prepared notes for just one second in closing and give you a challenge. Don't just vote to overturn the BAR decision tonight. Vote unanimously. By voting unanimously, we will be sending a message to all businesses – to all the future businesses that may come in, to our current property owners and future owners that we all stand together in support of a continuing economic prosperity of Leesburg”.

Doris Kidder, 139 Woodberry Road in Leesburg. “If I go over my time, you can blame it on my age, because I will be 88 next week. I am here to repeat and add to what was the intent of the memo I sent to you the other day. I understand some of you may have made up your minds to allow the county to demolish the historic buildings in downtown Leesburg. We have a board of architectural review to ensure that the most important asset of the town of Leesburg is protected – the historic district. It is the historic district, not the courthouse that attracts tourists, shoppers, diners, visitors to Leesburg. If the Town Council overrides the BAR decision, we may as well do away with the BAR and let all future zoning issues fall where they may. This sets a precedence for the historic district. It appears that in the future, any developer that wants to demolish an historic building can do so by merely stating that the building is not very attractive anyway and is insignificant. This was a nice

little town until the politicians began to destroy it starting way back when various councils voted to demolish the beautiful old Opera House, the Leesburg Inn, and violated their own height ordinance with the town hall construction and never completed the Loudoun Street side of the parking garage, which was an integral part of the award winning design. Then there was the decision to allow the Loudoun Street firehouse to destroy that neighborhood by allowing a massive three story combination office building/fire house that would have to share parking places with the church across the street and would overwhelm all of the surrounding residences including the neighborhood condominium building. Then the approval of Courthouse Square monstrosity. Even though dynamiting an underground parking garage might cause damage to many of the historic buildings along King Street – of course neon signs now are also allowed in the historic district for those people who can't read printed open and closed signs. Also, the downtown improvement project developed by meetings over many years by a committee of residents, businesses, planning and engineer experts and finally approved by the Council in 2010 has been delayed and reconsidered on several occasions on the basis of a few merchants complaints about loss of parking spaces, one of which actually gains a loading zone. This is just one example of Council sometimes making decisions and then reconsidering based on how many people complain or show up at meetings. More recently, some council members were interested in selling precious park land, currently a skate park at Catocin Circle to a car dealer to allow for more parking of cars instead of keeping it as a teen recreation center. It may be discussed now as an expansion of the fire and rescue station, which may delay the skate park renovation and most likely relocate it to a location less visible and less walking for town residents. The other day, all the big trees on the east side of Harrison Street were chopped down. I believe some of them may have even been owned by the town, meaning we the taxpayers. It seems to me that business friendly is a good thing, but not when developers and merchants, many of whom do not live here, determine outcomes that affect the quality of life of the people who do live here. The cover story of the August issue of Washingtonian Magazine is about the 25 greatest small towns in the area that are "charming, laid back and worth the trip". They named Purcellville, Shepherdstown, Waterford, Winchester, Staunton, Lexington, among others. Leesburg is not among them. Does this mean Leesburg is no longer worth the trip? I hope that we read about the Washington Post reporting in 2019 that the town and the county and their world class architects created a courts complex that included three buildings slated for demolition. It is not my intention to be disrespectful, but it seems to me that we are on the path of rapidly dismantling our historic district and the very qualities that brought many of us here, including me. As an active community participant for more than 25 years, I feel compelled to express my dismay."

Teresa Minchew "I have been a member of the Board of Architectural Review and the Planning Commission, for a bit for approximately 19 years so I have actually seen us go through this before. Tonight, I am here to speak about the request by the County to reverse the BAR and allow demolition of essentially a full block of our national register district, a nationally recognized area that helps put Leesburg and Loudoun County on the map for heritage tourism among other positive economic impacts. Obviously, the majority of the board of supervisors of Loudoun County has put you in a very difficult position – I know this. Particularly with the latest threat implicit in their recent comments and actions. This is particularly regrettable as all of us on the BAR believe things did not need to be this way. It did not need to reach this point had the county permitted a better process akin to the last

one that you have heard others talk about. Instead all of the months that the BAR spent working on this with the county staff and architects was for naught. We made progress. We had lots of good ideas. County staff and the architects were responding, but never did the majority of the board accept the possibility of considering anything other than the plan that was dropped in our lap fully formed as a take it or leave it proposal based around their vision of a sweeping, monumental new campus. Whatever you decide tonight, you can't let this happen again. You need to make sure that whatever process is going to happen for these major issues affecting our town is done properly. This was very improper. For the record, justification put forward for the demolition request was first and foremost to allow for this vision of what the new courthouse should be. I am not judging what that vision is, but it also primarily provided a place for stormwater management and a convenient area to stage the truck and the trailers and the dirt for the entire project. Any focus on safety concerns only surfaced later. Many, many historic courthouse districts are struggling with these same issues and many have come up with reasonable accommodations. That takes communication, though between the governing bodies, which has to all appearances been sadly lacking in this case, which results in this game of chicken that we are playing. Without waiving from my personal opinion that these buildings should be retained, I am aware you may not be able to come to the same conclusion. Practically speaking, though, upholding the BAR and retaining this historic streetscape would help mitigate any of the negative effects of the proposed large new building and provide a barrier to the new building much more appropriate than the bollards or jersey walls that we might expect to pop up later in a belated effort to provide a safety barrier to the open street. No guarantee that might not happen. If you can't see your way to upholding the BAR decisions in their entirety, I urge you to at least uphold the approval regarding the oldest and easternmost of the four buildings, 112 Edwards Ferry Road. This building could be incorporated into the campus design with little trouble serving as a visual endpoint for the two blocks long campus and was a possibility noted by county representatives as appealing and doable in several of our meetings. This was why we framed our decision at the BAR the way we did. We divided it into four applications. We understood the pressure you all were going to be under and we wanted to leave you a path to denying some and approving others – upholding some and reversing others. Additionally, I urge you to be very careful in how you word any motion to reverse BAR approvals. Please do not get up in the emotion of the moment and rush through the motions shortchanging your citizens by neglecting to include all the normal conditions to which any applicant would be subject as part of a demolition approval. I am sure the last thing you would want is to have demolition occur and then find out that for whatever reason, the county will not be proceeding with the rest of the plan. So, I urge you to be sure to use the specific draft language already provided to you in your staff report. Don't skip that. Finally, for your own sakes, if not those you represent, should you vote to reverse, please include language for the record that reflects on the very specific nature of this demolition approval and the many competing issues you are taking into account. Perhaps noting the concern about the larger issue of keeping the various governmental functions in downtown. Without providing such background for your decision, you will be undermining the effectiveness of the BAR in all future demolition issues and you will be setting yourselves up to see many more appeals as other applicants will seek the same treatment given to this one. Thank you for your time and know that all you do for your community is appreciated even if we don't always agree”.

Gwen Pangle “I am a resident and I own a business in Leesburg. I come to you tonight speaking as a business owner and as the president of the Leesburg Downtown Business Association. The following members of the LDBA have asked me to speak on their behalf. Stilson Greene, Carrie Whitmer and Ingrid at Lightfoot, and Nicole Gustavson at Inform Fitness, in particular. Want to start by saying thank you for your time, for everything you have done to consider the issue of the county courts expansion and the long term effects that it will have on the businesses downtown, the progress of economic development and the long term plan for the growth and vitality of Leesburg. I am here to speak in favor of a vote to overturn BAR recommendation and allow for demolition of the buildings if that is the only choice that is to be made. Very frequently what we have to decide is not what we want to decide, but there are things that we need to look at that are beyond that. In the last six weeks, I have been involved in interviewing all but one of the candidates for the Board of Supervisors. It was an honor and an education, I have to tell you. I believe I understand their frame of mind as it relates to a rewrite of the comprehensive plan and the long term planning for the county. This expansion decision is for them and for the town of Leesburg, a long term planning decision that will shape the future of business in Leesburg and Loudoun County for decades to come. Not only do we see the county as a stabilizing force for downtown Leesburg, but also as a catalyst for other businesses who are making decisions to invest in Leesburg. It won’t be just about the 500 or so jobs we will lose if they relocate, it will be about a potential loss of jobs, tax revenue and the entertainment dollars lost at other businesses besides downtown is not a good investment. The LDBA has worked diligently to find ways to get heads in beds and feet on the street. We collaborate with Visit Loudoun, the EDC and the Town to tag team on county events and create mini-events in Leesburg so that visitors are enticed to stay and enjoy our town. The day to day spending of the work force in downtown is a large part of the revenue stream our businesses depend on. This vote will likely be one of the most important and telling votes that you have made as it relates to your plan that you envision for the growth and survival for downtown Leesburg and if you call their bluff and you lose, what is your plan B? Perhaps knowing the answer to that question would allay the concerns of the business owners in town. And obviously, we would be happy if we could have both the expansion and the preservation of the buildings, but that doesn’t seem to be an option and I am a problem solver, so by nature it is necessary for me to come to you and maybe have a potential solution or at least some thoughts, so if we can’t perhaps come up with a way to memorialize that small neighborhood that those buildings represent – a piece of art, a plaque, a façade that in some way looks like the fronts of the buildings, a memorial in the lawn that tells passersby of the history of what was there and maybe we should be able to preserve the history even if we can’t preserve the buildings”.

Ron Rust, “My wife and I live at 7 Wirt Street in Leesburg and I would briefly like to discuss the controversy between the town and the county over the addition to the courts complex. First, I would like to say that my wife and I are preservationists. We own five properties in the historic district. Our residence at 7 Wirt Street is a house that dates back to the 1700s. Four of our properties predate the Civil War and one predates the American Revolution. I hope that my credentials for preservation are not to be questioned. Secondly, the county has what attorneys in equity call unclean hands. They have been very poor stewards of the history of the history of Loudoun County from the [inaudible] destruction of the historic Leesburg inn or Leesburg hotel half a century ago to their current government

building on Jefferson Street. General Sherman could not have done a better job of destroying the historical nature of eastern Loudoun that has been done by generations of county supervisors, but there is more at stake than great historic buildings. First, not everything that is old needs to be or should be saved in perpetuity. My wife and I are currently downsizing and in the process of sorting through half a century of documents and other items, some of which is worthy of being passed to future generations, but most is not. But, there is another consideration. Leesburg has been the County seat for more than a quarter of a millennia. That is certainly worth considering. I would not want to risk what I would describe in polite company as an arm wrestling contest between the county and the town. One of my favorite movies is the Maltese Falcon. Near the end of the movie, Caspar Guttman threatens Sam Spade to find out the location of the famous falcon. The quote is “that is an attitude, sir, that calls for the most delicate judgement on both sides, because as you know, sir, in the heat of action, men are likely to forget where their best interests lie and let their emotions carry them away”. So my recommendation for whatever it is worth, is that the town council should remember where the best interests of Leesburg lie, hold their collective noses and approve the destruction of the buildings.”

Ken Reid, Leesburg District Supervisor, “I wish I had had a chance to speak last week when you were discussing, because maybe we could have avoided that last minute motion that came before the board to basically study the – not just moving the county government center to Sycolin Road but to Ashburn, which frankly frightens me. It should frighten all of you. I first want to reassure Ron and also Judge Worcester that we are not talking about moving the courts out of Leesburg. You need a referendum of the voters to move the Circuit court. We have already studied bifurcating the courts – having part of it at Sycolin Road, part of it in downtown Leesburg. It is not going to work. However, we are at the end of the process and while I appreciate Delegate Minchew’s bringing up history here, I frankly would have preferred to have known something about that two or three years ago when we first dealt with this with John Wells and the rest of the Council. I was not here in 1998, when this was done and it came to me as a surprise that there was this committee that was convened and there was also a separate architect that was chosen for the project. Now, if somebody had suggested that two or three years ago, I am sure we could have looked at that. But as Chairman York will tell you, the design that we are using is pretty much the design that was approved by that committee back in 1998 or the late 90s. So, we are already at the stage where it is too late to reinvent the process. I am fully confident the Council is going to reverse the BAR decision. I want to remind you what you wrote to the Board of Supervisors in 2012. I know Ms. Fox was not on the Council at that time, but I am going to quote this “The Loudoun County courthouse has been an integral part of the fabric of downtown Leesburg since its inception. It has been a vital centerpiece of the town and we wish to see it continued as such. It is our sincere desire to see any courts expansion occur in downtown Leesburg and we are committed to working with Loudoun County to ensure the court’s place in the town. And by a previous resolution, when I was on Council, we also voted, which I don’t think has been reversed to keep the Government Center in downtown Leesburg as well. So, you voted for this letter and I understand that Ms. Fox was not on the council and at least three times in the last four years, Chairman York has specifically told Mayor Umstatted and even told her last week prior to that vote that if the town is not going to cooperate, we are going to move the courts to Sycolin Road and now the Ashburn site is also beckoning. Now, this has been called a threat and I don’t

know why your communication with the Chairman is not communicated to the Council because I was texting the Council and emailing them at the very last minute last week to have one of them at least come down – at least the ones who made very, very vociferous comments about this process and I want to congratulate Council Member Butler for coming down and talking to the chairman. We have also held at least two public meetings with the community to show them the design. The Mayor was at these meetings. I don't remember other Council members being there and we had the BAR out on a tour. So, this accusation that people are making that the process is broken or that there has been a breakdown in communication, I don't know where that is coming from. But, I know that the County has been forthright on this and the problem here I find is that it has been staff to staff. There has been no intervention by any of the elected officials. So, I would really urge you to support having a meeting with Chairman York and myself or Supervisor Higgins and Mr. York because we can only have two on each side to sit down with both staffs and try to figure out where the rest of this process is going to go because it is not going to just end here with the BAR. It goes to the Planning Commission and the Council and the least you can do is give us a back to back hearing as you did with K2M. Joint hearings, I know are difficult, but don't just sit back and be reactive. Be proactive. The other thing you can do tonight, you can also approve the relocation of these buildings, which the BAR declined to do. The ordinance states they had to look at demolition. We have two fine folks who have stepped up to the plate, but relocation has to be done based on our timeline. It can't be open ended. It can't preclude demolition. I want to also note that demolition is just there to preserve our options because once we get into site plan, we don't know if we are going to need to keep those buildings there are not. We might be able to keep them, but then there is the security issue, but those are guidelines from the supreme court. I am sure the Board of Supervisors, if they wanted to, could overrule that, but I don't think they will. The other thing you can do is seek legislation, as I will, to basically get some exemptions from DEQ for those TMDLs because that is what is really causing those buildings to have to go. So, I would urge you to do a meeting. A joint meeting would be good. Take control of the presses. You know, talk to your staff and lets see if we can get this thing done. Let's see if we can keep the government center from being relocated to Ashburn, because unfortunately, there are members on this board who would love to see that done because they don't care about Leesburg and they want to see support for the special tax district in Metro and Ashburn and if it is financially feasible to build a building there instead of on Church Street and just rehab the government center for the courts, they will do that.”

Bruce Dewar, 5 Memorial Drive. “I have lived in the historical district with my wife for about 17 years now and in Leesburg for about 26 years. When we moved and built our home in the historic district we were very excited about what we saw coming in downtown Leesburg and frankly it has been a long time coming, but it seems like things are finally starting to roll. I hope this Victory Brew Pub can actually get turned back around and come downtown, but it seems like things are starting to take off. I did already send all of you an email and I hope you had a chance to read that, but I just want to lay my support to say let's not let these buildings get in the way of what is starting to happen in downtown Leesburg. If you need to take these down, keep the county here and keep the courts here, and keep the renaissance that really seems to be starting to take place in downtown Leesburg going forward and vote the right way to do that tonight. We are investing all of this money downtown with the sidewalks and so on with the idea of bringing people downtown. Well,

I think the reality is the people who work downtown and or bringing more people to live downtown is the future of downtown Leesburg. If we drive out the folks who work here and keep trying to figure out how to get tourists to come to downtown Leesburg, it is never going to happen. So, let's keep the people we have – let's keep the 500 jobs that we have and add to those jobs and keep adding to it".

The Petitioner's Section was closed at 8:56 p.m.

## 9. APPROVAL OF THE CONSENT AGENDA

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

- a. *Authorizing a Time Extension for Completion of the Public Improvements for PMW Farms – Section 4 (TLCD 2010-0004)*

### **RESOLUTION 2015-083**

*Authorizing a Time Extension for Completion of the Public Improvements for PMW Farms – Section 4 (TLCD 2010-0004)*

- b. *Accepting the Public Improvements, Releasing the Performance Guarantee and Approving the Maintenance Guarantee for Public Improvements at PMW Farms For Evans Road, Phase 2 and Riverside Parkway (TLPF 2009-0019)*

### **RESOLUTION 2015-084**

*Accepting the Public Improvements, Releasing the Performance Guarantee and Approving a Maintenance Guarantee for PMW Farms Fort Evans Road Phase 2 and Riverside Parkway (TLPF 2009-0019)*

- c. *Performance and Payment Bonds for the Reclaimed Waterline Agreement*

### **RESOLUTION 2015-085**

*Approving a Performance and Payment Bond for the Stonewall Power Project Reclaimed Water Line Construction*

*The Consent Agenda was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

## 10. PUBLIC HEARINGS

- a. *TLZM 2015-0001 Poet's Walk*

The public hearing was opened at 8:57 p.m.

Irish Grandfield gave a presentation on this request to allow a assisted living facility in the Oaklawn Development.

## Key Points:

- This is a concept plan and proffer amendment to address a self-imposed proffering out of the list of allowable uses at the time of the initial rezoning in 2003.
- The intended site is in Oaklawn, Land Bay MUC2.
- Rezoning encompasses all three parcels in the Land Bay because the boundaries will need to be adjusted in order to accommodate this use. Boundary line adjustment will be performed.
- Proposed is a 38,000 square foot, one story, 68 bed nursing home facility.
- Application includes a potential increase in commercial development of 36,500 square feet, but it will be difficult to get that much of an increase in what is left to be built in the MUC land bays.
- The Board of Architectural Review has taken a look at the Concept plan and has made a few comments.
- Proffers include a reduction in commercial uses to result in no increase in traffic generation.
- Includes a fire and rescue contribution of 10 cents per square foot for commercial and institutional development.
- Meets all five rezoning criteria and has been recommended for approval by the Planning Commission.

## Council Comments/Questions:

- Burk: Is there, by doing this rezoning, is there any change in the buffers? Are we making them smaller or bigger or the same? So, they stay the same.  
Staff answer: No, they had proffered to a certain set of buffers and those, they are maintained.
- Burk: I noticed that they proffered 10 cents for fire and rescue. That goes to the county. It doesn't come to the town. Is there any other proffer language that would be to the direct benefit to the town and the residents?  
Staff answer: No, not directly from this application, but from the Oaklawn project in general – transportation improvements and such.
- Burk: Not this one in particular. So there is no open space, park, is there a real proffer by the designs – the fire and rescue?  
Staff answer: Correct. They have already provided a park and the transportation network so they are just looking to add an additional use in this land bay. Before approval of the original rezoning that created this land bay, they did proffers that contributed to other things including a fire and rescue site and a park although the park is not part of the public park system, it is a homeowner's association park.
- Burk: So, which homeowner's association? Is it with Stratford?  
Staff answer: Oaklawn residential, I believe.
- Martinez: I'm looking at – we got a letter from the Oaklawn [inaudible]...
- Mayor: Lisa Dolinich.
- Martinez: Right and making that increase [inaudible]?  
Staff answer: No, that proffer is from Proffer 4 of the proffers. Proffer 3 sets the total maximum amount of square footage that can be built in the MUC

bays. Proffer 4 deals instead with the timing of the transportation improvements, which have been substantially completed on the project, but we wanted to have the proffer carried over from the previous rezoning to be specific about commitments – that this land bay would still be committed to doing any improvements that still have to be done on site. The reason why the numbers don't add up there and why they appear to be greater than the amount allowed in proffer 3 is because those numbers when referring to transportation phasing are – they can't have the sum total of all of those. They can have some of those, but it could never exceed the cap of 109,000 square feet for the MUC land bays today and if this rezoning were to be approved tonight, 145,500 square feet cap for the MUC land bays.

- Martinez: When you say right now, [inaudible] combination of those four [inaudible] that combination of final uses.  
Staff answer: That is correct and that is not just for the land bay MUC2, that is for all mixed use center land bays. There are three mixed center use land bays, MUC1, which is a park, MUC2, which is where we are talking about tonight and MUC5, which is just south of the intersection of Miller Drive and Battlefield Parkway, so that 109,000 square foot or 145,500 square foot applies as a combination cap on the total in the two mixed use center land bays.
- Martinez: [inaudible]  
Staff answer: Correct.
- Fox: [inaudible].  
Staff answer: The two dissenting voters – one was concerned about the additional square footage. We did have one member of the public speak about concern with the additional square footage and I think he was trying to respond to the concern of the public – that additional square footage may somehow lead to additional impacts on the nearby residential uses and the second person who voted against it asked questions about airport noise and did not say specifically why she opposed it – just that she voted against it. I did not get specifics on why.
- Fox: [inaudible]  
Staff answer: No, this use is not an approved use in any other land bay.
- Dunn: Just out of curiosity, what is the square footage [inaudible] 22,000 square feet. Do they have [inaudible]?  
Staff answer: It was a result of the traffic impact analysis. The traffic impact analysis showed that by reducing that amount of eating establishment square footage, it resulted in a net neutral traffic impact so the trips generated per day by reducing 1500 feet of eating establishment are equal to the number of trips that are generated by the nursing home 68 bed facility. That is what the transportation impact study showed.
- Dunn: How many different [inaudible]?  
Staff answer: I don't have those numbers in front of me.
- Dunn: It's not in the packet?  
Staff answer: They stay the same.
- Dunn: [inaudible]

Staff answer: I don't know. I don't have those numbers in front of me.

- Dunn: [inaudible]

Staff answer: I'd be glad to.

- Butler: Just one really. I am struggling here to figure out why this is better for the town – it's not just the use. It is about 30,000 extra square feet of density and why is this better for the town to give that up. It doesn't seem that there is any consideration for mitigation of if there is going to be extra workers and there is going to be guests and other potential impacts. I don't know why it is not better to just do the development the way that it currently is. If I could get some help on that, that would be great.

Staff answer: I think the number of the uses that are currently permitted in that part of the landbay would have a much greater impact on the nearby residential if instead the service station or restaurant use was put there. It would have a much different impact. The benefit to the town is that the nursing home acts as a transition use from the residential uses to the east to the more intensive commercial uses to the west. Now, as far as what else the town gets out of it and what benefits are, I will let the applicant speak to what they believe those are.

- Mayor: Dave, do you want to call the applicant up to answer that question?
- Butler: I'll follow-up with Irish. I understand that the [inaudible] is not going to have much of a negative impact, but if we were leaving the total square footage the same and saying okay, [inaudible] or whatever we are reducing that by the size of [inaudible] then I could see a distinct advantage to the neighborhood, but you know, things like we are leaving the possibility of all of those other things coming and adding to [inaudible]. It doesn't seem like they are mitigating any potential negative impacts on the neighborhood at all. That's my question. Maybe the applicant can give a better answer.

Christine Gleckner, land use planner with Walsh Colucci, represented the applicant.

- Gleckner: In terms of the question, again, we kind of approached this that we don't think there is a negative impact to the neighbors of this and we have met with both of the adjoining HOAs and they did not raise concerns with us at those meetings and we did have people say they felt this is the portion of MUC2 closest to the residential uses – they felt that it was a better use visually for them to be looking at since it has somewhat of a residential look and feel to it compared to a more commercial business. So, we feel it is a use that will work well in Oaklawn and that it is providing a needed service that is increasingly becoming more valuable to the community.

Ms. Glecker reviewed her power point. Key points:

- This will be most visible to the Oaklawn residential neighborhood to the east as well as the Stratford residences to the north.

- Poet's Walk is an established nursing home system that focuses on memory care or care of patients with mental impairment more so than physical impairment.
- Poet's Walk program helps residents thrive to the extent that they are able in a therapeutic environment designed to soothe the residents while providing life skills stations, multisensory experiences and social activities and support groups.
- Includes professionally landscaped, enclosed outdoor courtyards.
- Residents are always under supervision.
- Architectural features will be approved by the Board of Architectural Review.
- Site will be densely landscaped, particularly on the sides that face the two residential landbays.
- Original Oaklawn proffers were based on traffic generation by approved land uses. Most of the road network has been built. Reducing square footage of uses keeps project traffic neutral.

Council Comments/Questions:

- Dunn: I guess before I ask questions here, do we have anyone from the public that is going to be speaking on this?
- Mayor: We do have one person signed up.
- Dunn: Okay, I guess there is just a couple of questions I had. Was there ever a plan of this use being in another land bay?  
Applicant answer: No. From the original proffers, quite frankly when the original concept plan came through, I don't think this use was anticipated. So, this was an opportunity that appeared, seemed to be a good fit at this location. I am not sure Oaklawn would have wanted to give up the location along Miller or Battlefield Parkway for this type of use, but this is along Oaklawn Drive and Brown Road, kind of tucked, you know, in behind and so...
- Dunn: The landscaping – is the landscaping going to have a blend with what is going in at K2M, because I know there was some extensive improvements, I would say, or landscaping, buffers that we are putting in at K2M to mitigate the building going there. Is the landscaping going to blend with that? Or is it going to have distinct differences?  
Applicant answer: Is our proposed landscaping going to blend with K2Ms? Is that the question?
- Dunn: Yes.  
Applicant answer: I would say yes but I just can't picture how they wouldn't work together.
- Dunn: They are fairly extensive with K2M. So, we don't know.  
Applicant answer: Well, I mean K2M is obviously a good sized building with a different face to the community and so that has its own set of concerns. Our front door is facing the residential community. It is facing the park. We are doing extensive landscaping all along Oaklawn Drive, which faces the residences.

- Dunn: Maybe when you come back, you can show us what you are doing on the K2M side and what you are doing on the park side to give it more of a natural appeal to the residents rather than them looking at here is a bunch of trees to hide a building that you are not hiding versus an open park. I would like to see some examples. See how that flows. And then, I guess the other issue I had is while we have gone through rezonings a number of times starting back with my time on the planning commission for the town and then on Council and then recently with K2M and now again, we have heard a number of comments from the community that they may have been sold something or told something that isn't quite what they are getting. We all know how that works, but I just want to make sure that we are not going to be nickel and diming them with changes to the rezoning of each land bay to the point of which they may not be getting anticipated amenities that they should be getting. So, I would caution us on that. I would caution your applicant that I would like to see that these land bays are starting to come out to be what the folks have been looking for and not always something different. If they are okay with this, I would like to hear from more of them but if they are looking for certain amenities, they weren't thrilled about the gas station, per se. That got approved, but it would be nice to see that if there are amenities that they are expecting, that those are somewhere on the books and not the last ones to go in and the furthest away that would limit the possibility of them even using.

Applicant answer: If I may just make one clarification. The applicant for this application is the Poet's Walk, but I believe you are referring to the property owner and I just wanted to clarify that for the record.

- Burk: I think you answered my questions directly when you came up to speak. I really appreciate that and thank you for addressing the restaurant issue, because that's a big issue there. They want to be able to have the amenities and have them be able to walk across the street to go to a restaurant. So, I think there were a number of people who were concerned that we were taking away that ability to have that happen. So, I appreciate that. I would like to thank you for not requesting a vote tonight to work on your proffers rather than do it at the last minute and make us scramble around and try to figure out what the wording should be so thank you very much for taking the time to do that and bringing it back.

Applicant answer: Yes, we do want to be responsive. Thank you.

- Martinez: One of the documents – I keep forgetting that this is a mac and not an iPad. On the pedestrian network, the paragraph says that the property shall be served by a pedestrian network as depicted on sheet 4 of 9. I haven't had a chance to look at sheet 4 of 9, but is this going to connect the neighborhoods to that network that walking – I am trying to envision what you mean by that.

Applicant answer: I think the pedestrian network that is – it will connect the neighborhoods is part of the already approved Oaklawn plan which has sidewalks or trails all along major roads, so there is a trail on both sides of Oaklawn Drive. There are trails through the park on MUC1, so both Oaklawn and Stratford neighborhoods have pedestrian access into the trail

and sidewalk system at Oaklawn. This particular facility will then have pedestrian connections to the street/sidewalks and trails so that people can walk from those onto this site.

- Martinez: Is there much green space available?  
Applicant answer: There is green space and we meet the requirements of the zoning district.
- Hammler: Thank you, Chris. I appreciate that and Irish, your presentation. Looking forward to hearing from, I guess, our one member of the public. The issues that I have, have already been raised relative to the increased density. My recollection was actually different from Tom's about the service station. I remember the residents were welcoming additional amenities, so you know the opportunity cost of some of those things like restaurants, the service station, you know, convenience in the office being closer to kind of again, the goal being mixed use to me – you have already addressed restaurants, the opportunity cost of meals tax, but just a reference there is you know when Exeter, at first it was thought that even that strip mall wasn't going to be welcome, but now the whole community has embraced having those sorts of amenities within walking and biking distances, so to me that is the question and so definitely appreciate you reached out to the HOAs, but I will probably be taking the next couple of weeks doing more due diligence in that area so and I like what Kelly said – thank you for very seriously considering the proffers in light of the density.
- Fox: I just want to make one comment because my questions were asked and answered. I do appreciate your outreach to the HOAs. I suppose there is one question. Did the HOAs have a residential meeting or was it just HOAs...  
Applicant answer: It was the board meetings.
- Fox: And your feeling was there was basically no push back on this?  
Applicant answer: Correct. Yes.
- Martinez: I was just going to say what made Exeter so popular was the Hershey Ice Cream store. Think you can get one down there?  
Applicant answer: I will certainly put it on my [inaudible].

Julie Westlund, 602 Buchanan Court, NE. “I live off Battlefield, so I will be a neighbor to the Oaklawn community. I am here to show my support for Poet's Walk. I am also an employee of Morningside House in Leesburg – assisted living and we have been in Leesburg for 22 years, successfully. Poet's Walk, mental care is the next step. We would appreciate your approval of the application.”

Mayor: Marty had mentioned Lisa Dolinich. She has sent an email to the Council and she wanted her comments made part of the record. She does state that she and her family are in favor of the Poet's Walk nursing facility, but they are concerned about the increase in density to MUC2. She felt that the nursing facility would be a high end outfit and would benefit the citizens of Leesburg greatly, but she feels that the town has been consistently changing the uses allowed in that section of Oaklawn and also the configuration and square footage. She is very concerned about the increase. She says somehow the town council needs to put a stop to these increases. She said the proposal meets the requirements of the original density limits

for this property, but never over the years has anything close to this density ever been presented to Council. As a result, the residents question who is in charge. Those are briefly her concerns. She had a family member speak for her at the planning commission, basically expressing the same sentiment. That is the only other comment we had received on this.

[Text of Lisa Dolinich's letter to Council follows:]

“Dear Leesburg Town Council Members,

Let us start off by saying we're in favor of the Poet's Walk Nursing facility but not the increase in density to MUC2. The nursing facility is a high end outfit and will benefit the citizens of Leesburg greatly. It will have virtually no impact on the residents boarding that area, including ourselves who owns the closest single family home to the project. It will look good and in general will be a very quiet neighbor. We knew when we bought this house a year ago (our second home in the Stratford neighborhood) that there would be development in our “backyard”, that's been on the books for years now. However, we were a bit blindsided last summer with the rezoning and approval of development for K2M, but are dealing with the unappealing backside of the warehouse in our view. So to see the change to the restaurant/office plans to include a nursing home was actually a welcomed proposal. Looking at the plans, it will be a nice front view of the complex we will see from the back of our house.

However, what we are concerned about is the hidden extra density that is being included in the developers' proposal---extra square footage use being shoved in a relatively small area. (My father presented all these points on behalf of us at the planning commission meeting as we haven't been in town for your meetings.)

What we should be concentrating on is the 100% plus increase in density of MUC 2. Everything we were told at the meetings last summer, including the presentation at the Town Council meeting stated that MUC 2 was zoned for 30,000 sq ft. of restaurants and 30,000 sq ft. of commercial retail or offices for a *total of 60,000 sq ft.* This figure was agreed to between the DEVELOPER and the Council as noted in the revised proffers signed last summer. Now, as show on in the proposed Poet's Walk proffer statement dated June 12, 2015 page 4, OAKLAWN is proposing that Land Bay MUC 2 shall include construction of:

- Up to 28,500 sq ft. eating establishment uses

- Up to 30,000 sq ft. neighborhood, community or specialty retail uses
- Up to 30,000 sq ft. office uses
- Up to 38,000 sq ft. nursing home use

*Or a total that could result in an increase to 126,500 sq ft. total or an increase of over 110% in sq ft. or density to what we were all told the MUC 2 area would contain.*

Somehow, the town council needs to put a *stop to these increases*—yes, the proposal meets the requirements of the original density limits for this property of .4, but never over the years has anything close to this density ever been presented to Council and as a result the residents question, who is in charge! Remember, both the developer and council approved the MUC 2 proffer for 60,000 sq ft. last summer.

Since we've heard said that restaurants will probably not come to this area like they were originally supposed to (not a major draw area), let's get the developer to eliminate the 28,500 sq ft. being reserved for them. Let's get the developer to change the proposal to:

- Up to 38,000 sq ft. nursing home use
- Up to 30,000 sq ft. neighborhood, community or specialty retail uses and/or office uses

*This would reduce the density for MUC 2 closer to what we have all been told for years—i.e. results in an increase 8,000 sq feet to the existing 60,000 sq feet not doubling the density.*

If this can't be done then let's at least limit the increase to a reasonable number such as a total of 75,000-85,000 sq feet. Clearly indicate to the developer that under no circumstances will 126,500 sq feet be acceptable.

If the current proposal gets approved as written, then the green space in the MUC will severely be decreased in comparison to that proposed less than 12 months ago. Aren't we encouraged to "Keep Loudoun Beautiful"? Adding more density to this small area would definitely not do that! Our neighborhood has already been hit with one visually unappealing building (K2M) can you give us a break this time.

Thanks for your time and consideration. Feel free to stop by and see the view of all the development from our backyard at anytime.

Lisa and Joe Dolinich”

Christine Gleckner: One brief rebuttal to that. I just wanted to point out that the [inaudible] FAR of this zoning district is 0.4 and with our [inaudible] it is a maximum of 0.28, so we are well under the permitted FAR for this district.

There were no additional speakers for this public hearing.

The public hearing was closed at 9:36 p.m. It was announced that it is anticipated having this on the agenda on August 11, 2015 for a vote at the request of the applicant.

- b. TLZM 2014-0008 Village at Leesburg Concept Plan for Landbay C  
The public hearing was opened at 9:36 p.m.

Michael Watkins gave a presentation regarding the proffer amendment application to remove the property from the H-2 Corridor design district and add new proffers which require substantial conformance with the conceptual building elevations for townhouses and stacked 2 over 2 townhomes.

Key Points:

- Located in undeveloped land bay south of the Village at Leesburg.
- Property was approved with a concept plan that includes townhouses and 2 over 2 townhouses.
- No changes to the project lay out.
- Previous proffers include a narrative regarding design guidelines. Concept plan had illustrations to illustrate those design concepts.
- Builder was unknown at the time.
- Proffer amendments include replacing several proffers to establish substantial conformance with conceptual building elevations.
- Planning Commission had concerns about the massing of the roof tops. Decision to incorporate a pediment feature on at least 50 percent of the units.
- Planning Commission and staff recommend approval.

Council Comments/Questions:

- Burk: You had a slide there that listed all of the things that they retain by this proffer amendment. What are the things that they are not retaining?  
Staff answer: We are eliminating language for the design guidelines, so the language that we had for the design guidelines has been stricken. They are replaced with actual conceptual building elevations.
- Hammler: So the [inaudible] this specific language still is in keeping with ultimately what our goals were for the H-2 guidelines. They are just

submitting the specifics and you have added the dormers to be able to break up the massing of the roof. I think we even asked this last time, but I just had this recollection that those porches that are kind of deck areas, are they actually functional? Are they designed so it is actually functional for the folks that live in those units or are they so small that they are almost aesthetic, but not functional and is that something that should be considered just in terms of...

Staff answer: The front doors for these? There is a deck – they basically have an alcove for – the door is basically recessed so these are the multifamily units. The townhouse is the same thing. It has a covered, like a pergola or a roof feature that announces the front door entry. You will see on the rear elevations that there are decks for the slider doors.

- Hammler: So, I see these sort of individual figures which leads me to believe that they are actually usable and those areas that just jumped out at me.
- Fox: You mentioned that the planning commission passed this. Was that unanimous?

Staff answer: Yes.

- Fox: Okay, and just one other thing. You wanted to change – you wanted to bring it out of H-2 because you wanted to add 2 over 2s. Is that what the main goal of this is?

Staff answer: So at the time the Village at Leesburg was rezoned, the whole property was proffered into the H-2. The H-2 corridor does bisect the northern part – the mixed use center. But to address the architectural characteristics – the whole property was brought into the H-2. So, it wasn't a mapping line adjustment, it was a proffer with the last amendment the unit types and arrangements changed. It included absent specific elevations because a builder was not known at the time. We developed these illustrations and the language and the proffers to provide for flexibility in the ultimate development of the architecture. So with the architecture known, we are going to erase the guidelines and the illustrations that are shown on this screen and replace it with proffered elevations.

Michael Romeo, land use planner with Walsh Colucci, stated he is representative for the applicant and the affidavit for posting and mailing has been submitted.

#### Key Points:

- Worked over the course of several meetings with the Board of Architectural Review, town staff, and the Planning Commission.
- Used general illustratives and guidelines to provide specific building elevations.

#### Council Comments/Questions:

- Burk: Does this change anything in what the applicant would put forward for fire and rescue?

Applicant answer: No.

Raquel Borrás, 1501 Balch Drive, #209. “I am in support of Arcadia’s architectural design for these townhomes. Being I have been a resident at the Village for five years now, I have been able to kind of see how the local businesses have thrived or not thrived. Unfortunately, due to lack of walking traffic, a lot of the businesses have gone out of business, so I think this would be very beneficial for the village, just to have more residents, have more walking traffic and just, you know, support the local businesses in that area. I personally would love to eventually move into one of these town homes myself and not pay such high rent.”

Dieter Meyer, “I wasn’t intending to speak to this, but since I was here for other entertainment value tonight anyway, I thought I would weigh in. I am not speaking for the BAR, but this did come before the BAR and the applicant did a very good job of working with the BAR and working through this. A couple of things, the H-2 corridor guidelines were really not written for this type of project so to try to hold it to those guidelines which were really written for the design of 1980s style strip malls, really would make no sense. The architecture that they are proposing is a substantial improvement over what is shown in the illustrative examples. So, I think by all means you should approve this tonight”.

The public hearing was closed at 9:51 p.m.

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

***ORDINANCE 2015-O-013***

*Approving TLZM 2014-0008 Village at Leesburg, Land Bay C to remove the Property from the H-2 Historic Corridor Architectural Control District and Amend the TLZM 2011-0002 Concept Plan and Proffers*

Council Comments:

- Dunn: Just real quick, I think it is a good looking design. I think it fits well and hope that it helps sales move forward.

*The motion was approved by the following vote:*

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

*Nay: None.*

*Vote: 7-0*

**11. RESOLUTIONS AND MOTIONS**

- Appeal of BAR Decision: Demolition of Homes on Edwards Ferry Road  
Tom Scofield, Preservation Planner, reviewed the appeal of the decision by the Board of Architectural Review.

## Key Points:

- Appellant maintains that complete demolition is necessary to allow construction of the proposed district courthouse on Edwards Ferry Road.
- Appellant maintains there are issues with constructability, cost, stormwater management, and security.
- Alternatives have been provided to treat stormwater off site.
- Proposed complete demolition does not meet any criteria that the Board of Architectural Review must use when rendering a decision.
- No estimates of cost have been provided for moving the courts or the county government functions to Sycolin Road.
- County maintains they have no use for the four historic buildings and third party use creates security concerns.
- Relocation of one or more of the houses is still possible.
- Intensive level architectural survey is complete.
- Archeological survey is 75 percent complete.
- No demolition permit should be issued until building permits have been issued for the proposed district courthouse.

## Council Comments/Questions:

- Dunn: There still seems to be some non-answers coming from the county and it seems like there may still be some discrepancies between what town staff is stating and what county staff may be stating. So, I would like to go ahead and hear from the county if they have anything else to add from our last meeting and then ask questions of both because rather than them both going back and forth and answering the same questions at separate times. I will wait until I hear county's presentation.
- Burk: So, nothing has changed since the last time you spoke to us?  
Staff answer: The process and the spreadsheet is amended. You have it in your agenda package.
- Burk: So, that's the only thing that has changed? There has been no collaboration and no more talking about saving one or more of the houses. There has been no collaboration of any sort. There is no more discussions – nothing has changed.  
Staff answer: Staff is not authorized to do that, so there has not been any discussions.

Scott York: Thank you for taking this issue up on this evening and staying so late. I know what it is to be out late and doing work of the people you represent. I did want to share a few thoughts and as I expressed to the Board of Supervisors in our last meeting, we and I certainly appreciate what the town is looking at in determining this, including the BAR. I have been on the county's planning commission and entirely understand when you come up with a recommendation and the folks higher up above you, and in my case, the Board of Supervisors, take it under advisement and make a different determination because there is a larger picture that you have to watch out for, as the political leaders of your community. The BAR made the appropriate determination that they had to make by the guidance

of the ordinance that they have to make and so I can't argue with that. The difficulty for the county is, you have mayor and council members making a good point from the fact that we have gone from a population when I started with the county on the planning commission of nearly 90,000 people to today when we have 360,000 citizens in Loudoun County for which the county has to provide services for. The unfortunate side of growth is that we have to somewhat expand government to accommodate that. I want to remind everybody back [inaudible] which started in 92, there was discussion with the town of Leesburg about a new county facility. We were, at one time, where the courts complex is now and many of our associated departments were spread out around various parts of the county. I remember distinctly one conversation I had with a particular board of supervisors member at the time when they were considering various sites – asked my opinion where do you think we should go. I told that board member, I cannot tell you that. I do not have all the specifics but one thing you have to keep in mind is that we are a growing community and you have to pick a spot that will allow you to grow. So, today we have the office building that we have on 1 Harrison Street that has the capability of expanding two wings onto the facility. If anybody comes into the government center, they will see two elevator banks that are not used today because we have not expanded the building. Why? Because we have absolutely no parking and we are out of parking to accommodate the staff for which we have right now in our county facility. We are, today, here to discuss the expansion of the courts complex and madam chair, we are on a lot that is very constrained. I appreciate the fact that folks would like us to be able to save the buildings. I would ask folks to go back and look at the site plan. We have actually picked the smallest footprint for this building that we can design the facility to accommodate the courts. Not only the courts of today, but the expansion of the courts in the future as they continue to grow. One thing that is stunning when you look at that, there is absolutely no parking on that facility except for a little bit that is on a lot that is to the north of the facility. We also have an application before you on a different lot for parking for the courts complex. They are not on the same lot. We have gotten to the point, and I said this to the board members, that it is perhaps we are where we are now as a county, requesting of the town to accommodate two gallons of water in a gallon jug and it is making it difficult. I for one, I cannot speak for my entire board on this, I for one believe that hopefully throughout many years the county complex will stay downtown in Leesburg, primarily for one reason – because it is more central to the entire county, but we do have board members that do feel that we need to reconsider and perhaps look at putting it more central to the population and the majority of that population, but I don't agree with that. The challenge that we have as we go forward in the future is how do we accommodate the growth of county government facilities and still protect and enhance the quality of what the town of Leesburg wants? Unfortunately, we are at this point where we have a little rub – not a difference of opinion on the value of the buildings, but a challenge for us to be able to accommodate what we have to do and expand the courts complex, providing public safety for those folks that are going to use the courts complex, for what we have to provide in terms of, I believe, government mandate in order to accommodate protection of those folks using the courts complex. So, I would hope that you will reverse the decision of the BAR that we as a county can go forward and continue to

work with you. We would like to ask to consolidate the entire process together so that we are doing everything simultaneously as opposed to piecemealing application by application and get through that process. I think that if we are able to do that and my board has made at this point a determination – the county facility will stay here should the council go forward and reverse the BAR’s decision. Staff has been asked to go forward and work with your staff and begin working on the applications for the expansion of the courts. Should the decision be tonight to uphold the BARs decision, then staff is asked to cease and desist on working with town staff until we can come back and reconvene and determine where we are going forward, but they have been asked to go ahead and look at the potential move of 1 Harrison Street either to Sycolin or out to our property that we own as a result of the rezoning of Moorefield Station. Just quickly two points. It was represented that there is a report that says we cannot really accommodate taking our government center and converting it into a courts building. Well, there is no complete report, Madam Mayor. What had occurred was back during the 2004 board, Mr. Bowers had approached us and the board began the process of going out on the street with an RFP and actually looking at moving the county government center in a couple of places in and around the town as well as a couple of sites in the Ashburn area where we were anticipating rail to come. One of the things that we did during that process was to begin to look at what to do with the building. We knew we would need to expand the courts, so we started the process of looking at the county government center for the purposes of bringing the courts and putting it in there. The study never got completed. That will have to begin if the staff begins to go forward and look at other places. Lastly, I want to thank Delegate Minchew for bringing forward the article. The article states and congratulates community members for getting together to determine that the courts should stay downtown. I think that was the right decision. What it applauded as well in there was the fact that the architectural firms that we hired could take a very sensitive area that is both historic and bring the new addition of the county courts complex and blend it in so that it enhanced the downtown and was not a rub against what you all wanted. So, with that, Madam Mayor, Mr. Hemstreet, is there anything you feel you need to add? We are here to answer any questions that you may have”.

Council Comments/Questions:

- Dunn: I think it was stated last time and a lot of this is for the public who might be out there listening or folks in the audience or what may be printed in the paper, just so that we are clear on a few points. Please correct me, and I am sure you will, if I am wrong. If we do not overturn the BAR’s decision and we go forward with preserving the houses, the courts will remain in Leesburg, correct?

Chairman York: I am going to ask you to repeat the question because it is hard to hear.

- Dunn: Okay. In my thinner days, I was closer to the mike. If we do not overturn the BAR’s decision by removing the houses, the courts will remain in Leesburg.

Chairman York: Yes, I believe the courts will remain in Leesburg, if you do not overturn the BAR, but again, I have to put this caveat out there – the

study that was done to determine whether or not the county government center could be converted into the courts complex has not been completed because when the economy went south, we stopped the whole process of looking at moving out the government center so that has stopped. I just threw that caveat out there. I do not believe that that would mean the courts are moving out because that would take them an awful lot to accomplish that.

- Dunn: Yeah. I think we got this answer earlier, but I am going to go ahead and ask it. What is the cost to convert the government center to courts? You don't know that? Any rough guesses? 20 million?

Chairman York: We don't have that. I am not going to guess.

- Dunn: What is the cost of moving the government center out of Leesburg? No idea either, right? Or do we have a rough idea?

Chairman York: Because quite frankly, Mr. Dunn, we have to – until the Board determines through that study where to go, we are not going to know what the costs are. Obviously if what happens if the Board makes the determination to go ahead and move the county's complex to another site, we have the cost of the new building. That is a given, no question.

- Dunn: Do you see the county being a long term tenant for a government center – that maybe the existing building is already out there – that they just lease them or would that be something that the county would most likely build new?

Chairman York: Let me – the night you took this issue up, I believe the last time – the Finance/Government Services and Operations Committee of the Board was meeting. When we finished that evening with an item by staff, we were recommending for the Board of Supervisors a plan that would look at Sycolin for expansion for county buildings to go up where we could thereby take – where we have currently leased facilities – take those departments, get them moved in. It would help us in our expansion plan. What I asked staff that night was 1) in this plan that you are presenting to us, are you moving 1 Harrison Street out to Sycolin. No, they agreed. Then, how long does that provide for us to be able to stay in this building according to your growth projections and I think the answer to that even was to 2030 and so we were ready to go to the board, make a recommendation for the board to go ahead ask staff to complete an analysis to use Sycolin as an expansion area where we could build again, several buildings to then house departments that are already out of the building, keeping this facility as it is today.

- Dunn: When you say Sycolin, you are talking about the property on Sycolin that is in the town currently?

Chairman York: This is just right outside the town limits.

- Dunn: It is the area right across from the airport.

Chairman York: Correct.

- Dunn: A few years ago, I had the honor with Vice Mayor Burk, who was Supervisor Burk at the time and I was Planning Commissioner Dunn and it was Council Member Horne. I forget who else from the County was on that but we were involved in the Government Center Task Force. This would have probably been somewhere around – well it would have been about eight

years ago, I guess. Do you know what the estimates were of moving the – and it was going on at that time was the review of moving the government center outside of its current location. Do you have any knowledge on what those estimates were as far as costs goes?

Chairman York: No. That's way back [inaudible].

- Dunn: There has also been some talk about job loss. I guess, let's talk about job creation. With the expansion of the courthouse, how many more jobs are going to be created with the courthouse expansion?

Answer: [inaudible]

- Dunn: Okay. So, if the courts were not expanded and moved to the government center and the government center was moved elsewhere, how many people are we going to fire? How many job losses are there going to be?

Chairman York: Mr. Dunn, I would have to ask – you think government is going to shrink? None.

- Dunn: Well, I am just going by – because some people are saying there is going to be job loss. I don't really see it, but that is what I am asking you – because if there is job loss, I would like to know.

Chairman York: I can't comment on that, Mr. Dunn. I think what their concern is about relocating those jobs to outside of Leesburg.

- Dunn: Okay. Well, I just want to make sure – again for the public, that we are getting the right terminology because people are hearing a lot of things. You know, there is stuff on the streets – you hear things. I want to make sure we are putting out the right information for folks. So, you do not anticipate if moving the government center outside of Leesburg, getting rid of jobs, correct?

Chairman York: There would be no job loss.

- Dunn: There would be no job loss. Okay. So, what we are talking about is for concerns for folks downtown is how much does county employees spend in downtown. Do we know those numbers? Anyone?

Chairman York: I do not have them.

- Dunn: Do we – does economic development have those for the county?

Chairman York: I am wondering, Mr. Dunn, if that is not a better question for the Town of Leesburg.

- Dunn: I am going to ask them next, but I am asking county first, but how about us, Kaj? Does economic development know how much economic benefit there is from County staffers who either take time off before they get to work, time off at lunch or when they leave work to spend money in town, particularly downtown.

Staff answer: We do not have that information that I am aware of.

- Dunn: Again, because I think a lot of this came from when the county decided to go ahead and not allow us to freely make this decision, but then to throw out – to have staff start looking for other places for the county government to move, that caused a lot more concerns to folks than what we were hearing prior to that announcement and a lot of the concerns were this is going to be a tremendous economic drain on downtown or Leesburg, yet, we don't know what that is. We don't know how many town staffers are

spending money downtown. We don't know that number. No one does, but we are basically spreading fear by that and not facts. I was just trying to get the facts out there.

Chairman York: Mr. Dunn, if I may add, one of the concerns that I had personally with respect to moving the complex out to Sycolin, there are no services out there at all for county staff. They would have to get in their cars and travel whereas now, they can walk conveniently to get lunch in the afternoon or meet with appointments, get up here to the Courthouse when they have business with the courthouse. They can meet with town staff when they meet with town staff. They would be very inconvenienced – there I would agree on that point.

- Dunn: And what I would love to see is much like what the article said years ago is us to actually work together on this instead of saying this is cut and dry especially when so far my questions, we haven't gotten any facts yet.

Chairman York: [inaudible] Mr. Dunn, and I appreciate that, but it is cut and dry for us on this particular topic because we have to provide the security for these people.

- Dunn: Yes, I will be getting to that in just a couple of minutes also. So, we don't – and I guess the courthouse expansion or relocation, I didn't ask the question about relocation, but I guess it would be about the same that if the courthouse were relocated to the government center, the job situation would be the same as far as increased jobs based on caseload. Correct? Okay. What county services have already moved out of the town in the last 25 years?

Hemstreet: That is a pretty broad question, Mr. Dunn. I am trying to figure out...

- Dunn: Thank you. The idea would be that it would be very few, but I think it is quite a few.

Hemstreet: Well, the last 25 years, the county has expanded by – from 90,000 population to 360,000 population, so I wouldn't characterize it as county departments relocating outside of town. Okay? So, you've got more county employees in the town today than you had county employees 25 years ago, so...

- Dunn: Right and some of them may have started outside the town already. I understand that. I asked you specifically what county departments – really we are talking about jobs or in other words, not necessarily jobs, but folks spending money in the town because they work here – what county services have moved out of town. If you can't – if you want I can say 15 years, if you like. Make it easier.

Hemstreet: I am not sure what you are asking me. Parks and recreation is located in Ashburn.

- Dunn: Was that in town prior to 15 years ago?

Hemstreet: It was at Depot Court three years ago.

- Dunn: So Parks and Recs.

Chairman York: And it used to be at the County government center.

Hemstreet: The Sheriff's office was at 88 Harrison Street. It is now at 803 Sycolin Road, which I think is still in the town. Fire Department is still in town. Economic Development is moving to Loudoun Station.

- Dunn: How about the education department? Didn't they move? I think we built a pretty good size building for them, didn't we?

Hemstreet: That's not a county department though. The school division is located in Ashburn.

- Dunn: Yeah, but they were in town. Yeah. Anything else? So parks and recs, the schools, sheriff kind of moved further outside. Economic Development is on its way out. Okay, so there has been actually quite a few things that have moved outside of town. And I guess, you got something up Chairman York, a number you said – 2030. You said that you would be too big for your current location. Is that the whole government? If you could expand on that a little bit. I wasn't quite sure what you meant by we are basically outgrowing our current facilities. Is that just a portion of government or is the whole government center. What is you can actually expand beyond our abilities by 2030?

Chairman York: I think the answer that I receive with respect to the 2030 date is just how far that they have looked out at the facility here at 1 Harrison Street. Again, my concern with the report was whether or not staff was including in their proposal for the property off of Sycolin was to also move the county facility from 1 Harrison Street out to there. The answer, as I said, was no. Then I asked how long is your projection and it is 2030. Now, I can't tell you what the board of supervisors is going to do in the next term let alone what happens in 2030. What I do know is that we are anticipating by that time to have nearly 480,000 citizens and we will have to have the complement of staff in order to be able to serve them. We will grow in every single department, probably except the Board of Supervisors in order to accommodate that, so I can't tell you really what 2030 means. Whether we will still be here, whether we will be somewhere else. Again, as I stated, I hope that we are able to remain here for quite some time. But, I will also add that at one time, I used to do business at the Fairfax Government Center, which was downtown in the City of Fairfax, which is no longer there. The courts complex, jail and all that is downtown. So, if you want to look at a study about with respect to what happens to jobs, that might be an interesting model to look at.

- Dunn: Okay, and also the reason I am asking these questions is because if we we only have one chance to preserve history. Just one. It sounds like there is multiple opportunities, which has been demonstrated by past experience that the county government is moving outside of Leesburg in one form or another and from the infant stages of the report, I would stake, that there is a probability of that increasing overtime and maybe even completely by 2030. We don't know, but that sounds like that is a possibility. If someone could turn their mike off.
- Mayor: No, it's Dave. He is getting restless.
- Dunn: Sorry, Dave. You might as well back off a little bit, I am going to be talking for a few more minutes, from the phone. But, the – let me see if I have

some other questions for you. I guess I don't have any questions, but I do have some comments when we start to wrap up. Let me just check my notes real quick. I guess I do have one last question for the county and that is the – I guess as you see it, there is just no way of working this out where we can preserve these properties and expand the courthouse and keep the government center here. You just don't see any way of that happening?

Chairman York: Well, what we have proposed to you is what we need to have happen in order to accomplish what we need to do. And that is to expand the courts complex and provide the safety for the people that are using it. That is why the board of supervisors has asked you all to reverse the decision of the BAR.

- Dunn: Okay. Actually, I do have another question, since you brought up security. One of the comments that was made at our last meeting was that should the buildings remain and should the courthouse go on in it's current location, that the county said that security could be improved by occupying those buildings, but that the county would chose not to occupy those buildings or have anyone else occupy them. It seems a little counter productive to then be creating a security risk that you have already found a way to mitigate that risk. It sounds like it is just a way of trying to say well we can't get around the issue when there could be other options for those properties and the use. And then also, we have heard comments made about buildings being boarded up or in disrepair. I would hope that should those buildings remain that if the county didn't opt to give those to a needy cause, or find some other use for them, that they would become good stewards of historic properties and put those in a shape that would be presentable. Thank you. I will yield to my comments after everyone else has a chance to ask their questions.
- Burk: I do have one question for the county. If the council was willing to override the BAR's decision, would the county be willing to consider adding a plaque or some sort of memorial at the site commemorating the fact that this neighborhood was there – doing something to recognize that and the importance of it?

Chairman York: Ms. Burk, we haven't gotten to this point in the process. I think in a meeting that I had with the mayor, I had expressed a desire that perhaps as a solution/compromise, if you will, that when we take and look at that area, that is the 60 foot wide area to include both grass, other landscaping, sidewalks, that perhaps we could do it in a way that marks the foundation of those buildings and do something in remembrance, commemoration of those buildings of some sort. So, I will say I am amenable to that. I suggested that I think at one meeting of the board, but we have not gotten to that point in the discussions.

- Burk: Is this something that would need to be put into the resolution or is it something you could assure us would end up happening. I think it is important that we have something outside so that people walking by...

Chairman York: I think that it is a great point that you put it in your resolution – whatever you adopt. In fact, when we get to the point that we

work between both bodies as well and to look at the design of that particular section and come up with something that helps accommodate the history.

- Burk: Okay, when we get to that point, I will be adding that. I just want to make a comment that today we are really making a pretty momentous decision – whether we allow the county to take down the four houses and yes, they are old houses. There is no dispute between the town and the county about the historic nature. The county publicly recognizes that the four houses are historic. They are not historic because George Washington slept there. They are not historic because some treaty was signed in one of them. They are not historic because an Adams or a Jefferson lived there. They are historic because they represent a neighborhood that began there. Ironically, that neighborhood represents the start of expansion of the town eastward. They were built one after the other in the 1800s. They represent a type of neighborhood that no longer exists, so yes, they are historic. Part of the issue that we are dealing with tonight is the idea that Leesburg is a historic town with a historic district and these houses reside in that historic district in this historic town. So much of the fabric of our history – we lose every time we tear down a building. I have lived here for over 35 years and I can talk about the old hotel that was here, and the old opera house and the old jail but I can't point them out to you because they are gone. Some councils in the past said that they were not important enough to save, so they are gone. And here tonight, we are considering doing the same thing. Each time we tear something down, we are changing the scene of history, yet progress demands that we must move forward or we are doomed to remain static, so even though the board of architectural review, which is tasked by the town and the state to do all that it can to preserve history, offered compromise after compromise on ways to save the buildings, the county leadership only returned with threats of retaliation to move the courthouse out of the town. In reality, I believe the General Assembly can only give permission to move the courthouse, but the threats to move the county workers out of the town is enough to cause uncertainty and distress to the town merchants. The BAR offered more compromises to save the buildings and the county leadership looked at the numbers and said no – we might move the county workers out of the town if you don't let us expand and tear down the houses, so the BAR denied the county application to expand the courthouse. I thank each and every member of the BAR for their hard work in trying to come to a mutually acceptable application and I am sorry we were not successful. So, tonight we the council have to look at the impact of uncertainty and unrest and all this back and forth from the downtown businesses. We have a new street plan that is beginning, that will impact these businesses. We have had a major fire that has caused closure of some businesses and now we are bickering back and forth between the town's desire to save its history or tear it down to please the county. So in this case, progress requires we settle the matter before us. I wish the county planners had realized the value of the houses early on and planned them within the design, but they didn't. I wish the county leadership realized the value of the historic houses and would incorporate them into the design of the new courthouse. I wish the county

leadership would realize the value of a prosperous town and work with us to ensure our history is preserved and our businesses are successful and I wish the compromises could have been reached, but as my mother used to say to me, if wishes were horses, then beggars would ride. So, even though I know the BAR did exactly what they are required to do by law, to recommend the denial of the courthouse plan as presented to them, I will be voting tonight to overturn that denial. I am saddened to do this and I don't do it lightly. I value history, but I believe the uncertainty and unpredictability will be devastating to the downtown businesses, so I will hang my head as I raise my voice to overturn the decision.

- Martinez: Well, I really want to thank the BAR for all their work and unlike some, it may appear that sometimes we at Council don't take you too lightly. I know I don't and I have been there and I have seen all the hard work you do and know that what is happening tonight is not easy to take. I really want to thank Tom for dispelling some of the stuff that has been floating around and that a lot of what is coming on or what potentially could go on is really just not true. The town is not going to suffer. We are not going to go into recession if the courthouse isn't built here. We may have to make some changes and stuff but you know, the town has survived some pretty bad times and this council, especially in this last economic downfall that we had, or the market slide, we held to our guns and we kept this town going and didn't lose any level of services or quality of life. I also wish that we could have worked with the county on a collaborative level. I really think that could really solve the writing on the wall that it was going to be a standoff – that we would have dropped our gloves and gone out into a room and worked this out. But, what really disheartens me a lot is we really don't take into consideration our citizens that really value the historic district and what it means to us. To some, they may see a house that is old, but they see something different. The way that some of us – some of our comments, the emails, we have already discounted that. We are so harsh and I wish that when we start talking about these things, it is not county. It is not the town, it is the citizens that we are representing and their feelings. While we may not disagree, but that doesn't mean that we have to be rude and harsh in our comments. We should all be respecting each other and be civil. I wish we could have been [inaudible] I wish we could have done. I know that I have gotten so much feedback and unfortunately in my mind it has been overwhelmingly in favor of demolishing the homes because a lot of people didn't see the value in it and I really took to heart [inaudible] comments about how sometimes we have to move forward and vote although we know this is something that you wish you didn't have to do. I wish a lot. I wish that we could all just stop the drawing lines in the sand. There shouldn't be any lines. We should be working together. I know, Scott, in the past, we have worked well together. There have been times when we have been collaborative and done things to benefit not just the citizens of Leesburg, but the county. We need to do more of that and I am willing to put myself out there on anything that is coming forward – work with the county and do something that makes this something that benefits the citizens of Loudoun County and the citizens of the town. Again, I go back to

the BAR. I really respect what you guys do. I think people take you too lightly. I think people don't understand the heartaches and things you go when you try to make these decisions, because you are bounded. The question goes, should we allow more leniency in your ability to make these decisions. I say no. I say you know if you have to make a decision where you did this time, you should and it should be left to us to make the hard decisions. It bothers me that I have to vote anyway, pro or con. I am with Kelly. You know Kelly was very eloquent in her comments about what she was saying. I was talking to somebody this afternoon and you know we talked about moving houses, and he goes, that doesn't mean anything to move those houses and put them somewhere where they weren't originally put. The fact that those houses were there is part of what is the historic fabric of Leesburg. Some of you again may think that they are just old houses and have no real historic value, but to who? I think they do. I may vote to overturn the board decision, I'm not doing it lightly. I will tell you what, I am doing it holding my nose and I am going to do it with a heavy heart and I am hoping that people who value those homes will understand that I'm trying to look for the overall good for the town and the county and that I do know if I wasn't on this town council, I'd be right with those people and fighting to keep those houses.

- Hammler: I don't have any questions, but I feel compelled to make a motion. I don't know – I know Suzanne might. But, I guess to the point of order, there might have been a point where there is a motion on the table.
- Fox: I have a couple of questions, but I was wondering since like everybody has been giving comments, is this the time to do that?
- Mayor: You can do that.
- Fox: Being last, I just want to reiterate what I heard, just so I heard it correctly. I know there is lots of information out there. Lot of rumors floating around. I just want to ask you one more time if the BAR was overturned this evening, does that mean – I'm sorry, if the courthouse expansion is approved, does the county intend to keep operations in Leesburg or does the county intend to move operations. That was the rumor and what I think I heard you say is that the county intends to keep operations here in Leesburg.

Chairman York: The intention is, assuming we receive positive vote that we have requested, it is our intention to move forward, expand the courts complex, keep the county government facility where it is right now with the operations that we have there and looking at further expansion of government facilities to accommodate the growth that we would continue to have out at possibly the sycolin property.

- Fox: Okay. The second question I had is will delaying demolition until the project is approved in its entirety cause any additional expenditures or other hardships?

Chairman York: I think it would be very wise for you to require us to hold off any demolition until such time as all permits and approvals are done and we are able to move forward with everything associated with the courts complex.

- Fox: Just because I brought this up last time, is there no way – or 112 Edwards Ferry totally off the table for saving. I just need to ask that question. Chairman York: The board of supervisors, again, has made the request that it has because we feel the responsibility to provide the safety for the public that is using this facility.
- Fox: I do have a few comments, if that's okay. My questions are and continue to be is the courthouse expansion necessary and can Leesburg handle the expansion traffic wise. Those questions haven't really been empirically addressed, although Mr. Hemstreet did say two weeks ago when we asked him that the expansion was needed. Honestly, these questions are not a part of this appeal, but I feel like they should be answered before any work on demolition does commence. But, the foremost question before us tonight is what is more important for Leesburg – retaining the four relatively unmaintained buildings or maintaining and expanding the courthouse and government operations? I don't believe we should be risking our town's future and creating instability in the commercial sector for the sake of the four older buildings, which the county has stated will be boarded up, thus potentially becoming an eyesore. These are old and they may arguably be historic, which we have been through, but what is the real value to Leesburg residents and businesses compared to the other interests at stake. Part of the value proposition that Leesburg has offered it's residents and businesses for the past two centuries is that it has served as the legal center, the economic center and a government activity in Loudoun County. That in and of itself has significant historical significance, at least to me. However, with metro coming to Loudoun, there has and will continue to be a push by some to make the metro stops the main focal point of the county despite the fact that these stops are geographically located in the far corner of the county. Such a move would do far more damage to the historic character and the value of Leesburg than the loss of four buildings at the edge of the historic district. I believe that Leesburg has a vested and compelling interest in continuing to be the county seat and governmental center of Loudoun County. Retaining Leesburg's identity as the historical and functional central hub of Loudoun will play an important role in our continued economical and cultural growth as well as our quality of life. I have received numerous calls and emails from both businesses and residents concerned about Leesburg's future and about property values if the fate of the courthouse and government center remains in the air. Both local papers have published editorials calling for Leesburg and Loudoun governments to work this out. I believe that we need to show current and future businesses an increased level of cooperation with the county on this issue as well as future issues. I would like to add just because we survived hard times in the past, doesn't mean that this council should be causing them in the future. To echo Delegate Minchew's remarks – more collaboration, less animosity. Both town and county are responsible in this partnership and I would like to end with those comments and go on to the Mayor.
- Mayor: Let me read – I am not making this motion, but let me read it to you, Mr. Chairman and Mr. Hemstreet and see if you think the Board of

Supervisors is going to have heartburn with the two conditions that are in it. One of the motions we have in front of us is a motion to reverse the decision of the Board of Architectural Review as rendered on May 18, 2015 and approve the county's request for total demolition without the modifications issued by the BAR but subject to two conditions. #2 to require and architectural and archeological survey and #3 demolition allowed only after all building approvals are received as set forth in the BAR's approval in each of these cases. Do you think there is anything in that motion to reverse, especially those two conditions, that would cause the board heartburn? I appreciate that very much. I just wanted to clarify a couple of points. Supervisor Reid spoke earlier and made an inaccurate statement that I had not shared with Council a conversation that I had had with the Chairman of the Board of Supervisors prior to the Wednesday night meeting – I think it may have been July 15. In fact, I did subsequent to my discussion with the Chairman of the Board, send an email to all of the council prior to that evening's meeting of the Board alerting the council to the likelihood that the board seeing a need to expand would ask it's staff to present a number of what if scenarios. What if the Town Council chose not to overturn the BAR being primary among those. I described the conversation I had with the chairman of the board of supervisors as being professional and very calm and my understanding of where the board was coming from was they recognized Leesburg's right to decide whether we wanted to accommodate the growth of the county courts and the county government, but they also needed to expand and they were giving us an opportunity to accommodate that growth. I think that's pretty much what happened that evening. There has been some talk about lack of cooperation by the county with the town, but I would like to pay the County staff and board some compliments. The county held community outreach meetings at which a number of citizens attended, as did I. I found county staff and board members to be very receptive to citizen concerns, especially when it came to the proposal to close Church Street, which the Board thus far has chosen to try to keep open during this process. As well as the proposed height of the courts expansion. One of the things that I think makes Leesburg a very charming downtown is the fact that we have a 45 foot height limit. That height limit has been exceeded in a few cases. I have not been wild about any of those cases, but the county decided to plan to make that building fit within our height limit. So, I have to give them credit for that. I found working with Chairman York to actually be a very encouraging process. I found him to be professional and thoughtful. There has been submitted, sometimes on both sides from other members of the board, but I can understand their viewpoint. We have a chance to accommodate this growth and we have a chance to say no to it. I am going to vote to overturn the BAR, not because I disagree with what they did because I think the BAR did what it had to do and I appreciate the county staff and Chairman York consistently recognizing their good work, but we have in front of us a choice we have to make. Are we going to accommodate this growth of the courts, or are we not? And I think we need to accommodate it at this stage in our development. I think we have heard from enough merchants downtown and

restauranters to justify allowing this courts complex to go forward. So, if there is a motion, I would entertain it.

*On a motion by Council Member Hammler, seconded by Mayor Umstatt, the following was proposed:*

**MOTION 2015-009**

*I move to reverse the decision of the Board of Architectural Review as rendered on May 18, 2015 and approve the county's request for total demolition. The Council urges the county in accordance with their required timeline to be responsive to the private parties willing to move the historic structures as well as to work with the town on an appropriate commemoration. The demolition will occur only after receipt by the applicant of both a building permit for new construction of the new district courthouse and after final approval for the submitted rezoning TLZM 2015-0002.*

Council Comments:

- Mayor: I am going to ask Chairman York and Mr. Hemstreet if any of those new proposed conditions are going to cause heartburn for the Board of Supervisors.  
Chairman York: So it gets on the public record – no ma'am.
- Burk: I was willing to vote on this if we had condition #2 and #3. Why are you taking out condition #2?
- Hammler: I would be willing to consider that a friendly amendment. I just felt there was a balance relevant to at some point it goes without the saying similar quite frankly to #3 and it talks about an intensive level architectural survey in accordance with the guidelines for cultural resources, but we have done most of that research and the things like – they will be coming back for all the architectural reviews and the landscaping so it will be part of the process moving forward.
- Mayor: I would recommend that we consider accepting a friendly amendment from the Vice Mayor to put #2 back in since the Chairman has already said the board can live with that.
- Hammler: I would be happy to accept that friendly amendment.
- Dunn: I just have a slight concern that the motion, where it talks about having the board working with a private party to relocate, does it have to be a private party?
- Hammler: My understanding is they received a couple of responses and I believe they they were private parties, so it was just based on an assumption given the RFI that went out, but if you wanted to make a friendly amendment about that adjective, by all means.
- Dunn: If you just want to take out private party, when it talks about relocation.
- Hammler: Be happy to do that. Madam Mayor?
- Mayor: Fine. Third party.
- Hammler: Is that okay with you, Tom?
- Dunn: Well, who is the second party?
- Mayor: There is them, there is us and then there are the other guys.

- Dunn: Well, we don't own the property. What it is in essence, I just don't want to have it pigeon toed to what has to be somebody other than a government doing the relocation.
- Hammler: [inaudible] party?
- Dunn: Open to government doing a relocation also.
- Notar: Any other individual, corporation or entity.
- Dunn: Well again, it is taking out the responsibility of the government from doing that. It is looking for somebody else other than the county to do their relocation so that is what my point is.
- Hammler: That's actually what the intension was – that a private party would be the one who is requesting to move it and would do it, but maybe that wasn't clear. I accept the town attorney's adjectives, if that is okay with Madam Mayor.
- Mayor: That's fine with me.
- Dunn: A couple of other comments that I wanted to make was it was brought up that this was the council gambling or calling the bluff of the county as if it was the council the ones who were in the wrong. We weren't stepping up to a gambling table and we weren't the ones making a bluff. It is unfortunate as I stated earlier that the board chose to interject this into our proceedings in an effort to strike fear in to the hearts of men and I guess they were successful. I think that had they been concerned about the timeline on this, they could have gone ahead and taken the – if time was the most important they could have acted on the BAR's decision and just gone ahead and moved forward and found ways to work around this. The fact that the statements that there are no options – I just don't believe that. There is the massing of the building, which could be changed. There is the footprint that could be changed. The layout of the stormwater management – that could be changed. It is about a desire to work with it and I just don't think there is a willingness to do that. A part of that comes down to cost. There is a cost to expansion. There is a cost to preservation and both of those are high. I think that the cost if somebody were to say well you are gambling, I think that the \$54 million that we are spending on the courthouse expansion, which by the way isn't going to come to full use for 20 years, is very high and that the cost to correct the government center to become a courthouse on the same standards that the expansion were, I would leave that to people like Dieter, he would probably know or have a number. I think the town staff or county staff would also have some idea and then to turn around and create a whole nother building that would accommodate the expansion of county staff, which it sounds like they are going to be doing anyway by 2030, 15 years from now. It sounds like a long time, but it is only 15 years from now and by the way they are trickling town staff out of town already. So, really what are we trading our history preservation for? A town staff that is already leaving and is on its way out with no real guarantee of them staying in town. And the fact that the buildings are old, last time I checked that kind of goes along with historical. Yeah, it has been mentioned already that we can't point to these buildings that anyone slept here of great importance, but you know what, that's

probably 95% of the other old buildings that are in downtown. And I think that the – as mentioned earlier, I put a proposal forward last night. Of course the council didn't take my recommendation which was one of the things we had a gathering just a few weeks ago on the courthouse lawn where people were looking to have some recognition of the diverse make up of Leesburg and some of our darker days when the slave trade was going on. I made a recommendation last night that these buildings could have been used for say a cultural diversity awareness center. That didn't get picked up by council because we see the direction tonight, but I think there are other uses that these buildings could have had and it is unfortunate that we are not doing that. As far as the security goes, if security were the real issue, the courthouse would not be there today. There are buildings within the 50 foot limit – the guideline that the courts say we have to have clearance within 50 feet. If that were the case, the existing courthouse would not be there today. If that were a true objection to doing this, they would not be expanding the courthouse to its new location because even in the new location they don't have 50 foot clearance and as I stated earlier, if they were concerned about these buildings, one of the concerns were eliminated that if the buildings were occupied, that would lessen the security, yet they are saying they don't want to occupy those. Unfortunately, the security issue just doesn't hold for me as well. The other question I would ask folks in this is let's say this was private enterprise. This was a private company, one who would come into downtown. They unfortunately had to take down some historic buildings, but they were going to bring 600 jobs to downtown. Would you accept it? Good. Because right now we are not necessarily adding any more jobs, but we are taking down historic buildings. If you are willing to let private enterprise do it, then you are okay letting the government do it, but I have the feeling though the votes would not be the same if it was a private enterprise. By the way, home values increase in historic districts. As you take away those historic districts, which this is going to be reducing part of our historic district by removing these buildings, historic home values do go up in historic districts. Many people move to Leesburg because of its historic charm. The charm of downtown. I don't hear very many people say I moved to Leesburg because there is a government center here or because the courthouse is here. Some may if they have jobs there, I guess, but they definitely say they are moving here because of the historic charm. Once the history is lost, it is lost. You just don't get it back. Government centers do move. We have heard that they are going to do that. The quaintness needs to be preserved within the agreed upon area. The BAR makes the decision of historic preservation. It is the job of the council to enforce that. We have been given a historic district and it is our job to maintain that. In this case, we are not. So, lastly, I want to ask you what's next? The parking lot that we are going to put on Wirt Street? Maybe on South King Street where people are renting businesses and we have a place where we are going to start storing our government county vehicles on South King Street. Oh, you are just trying to stake some fear – scare us. Well, it sounds like the same fear that has been put out by we are going to move out of town and there is going to be jobs lost and the economic impact, none of

which we have already stated tonight we have any, any facts to support any of that, just stuff we want to throw out. It is unfortunate we have had to come to this where we could not work together because I think there could be a solution. I am afraid of the what's next. For those of you who live downtown, have buildings downtown, when the next developer comes in and wants to say he wants or she wants to demolish a property, they will point to this example and say I should have every right to do it – the county government did and you didn't have any problem voting for it. Well, I got a problem voting for it and I won't be overturning the BAR decision tonight because I too moved here many years ago for my family and it was because of the historic downtown and if you start thinking about the other places in our state, never mind our country, where there is strong historic preservation – just start thinking about parts of Williamsburg that should get bulldozed over because government said we should be treated differently. And I am basing this not on the heresy of what could happen, but on the facts before us and the facts are we have a historic district we should be maintaining it and we should be maintaining our historic integrity. We are the stewards of that and I think we could have worked through this process. Unfortunately we couldn't.

- Butler: First, I appreciate Supervisor Reid's comments. [inaudible] stated that the county is not looking to move the courts out of Leesburg [inaudible] and clarification. I also appreciate Chairman York's comments both tonight and two weeks ago that [inaudible] some different criteria than the county does. As well as maybe they are trying to fit two gallons of water into a one gallon jug. That is an appropriate [inaudible]. I would be willing to bet from the BAR's presentation, their analysis [inaudible] willing to compromise didn't seem to show up quite as much with the county. It is a difficult decision. It is not nearly as simple as many people have stated either way. Both the county and the town agree that the courthouse [inaudible]. This is not insignificant and it almost feels like this decision, as I think you mentioned, Madam Mayor, almost feels like a referendum on the entire development. The only thing I'd like to mention is some people are saying if the town and county can't work it out – they are squabbling. No, we are not squabbling. We have squabbled before on a number of issues. This is not squabbling. The county has actually [inaudible] with what it thinks is the best decision for them. The town has to decide what kind of downtown we want. Make no mistake. This development will change the character of the town and the courthouse will definitely go a long way helping to mitigate that change. Then again, I am looking at the proposed development – not particularly interested with a [inaudible]. The [inaudible] are going to come to Leesburg just to look at the nice new courthouse complex so I think overall the economic impact is being overstated. But it is what it is. [inaudible] more important is whether it matches our long term vision. Approving this development will pretty much cement downtown as a nine hour a day, five day a week government centric area and unfortunately probably people [inaudible] if our vision is a vibrant night and weekend downtown, marked entertainment and dining, seven days a week, 12 hours a day with nightlife, this development will not help that in any way. Short term, this is probably

the best decision economically. Long term, maybe it will change us, we hope for the better. Last, there are still some significant questions around the development that we need to work through. Katie mentioned, last [inaudible] there are willing buyers for these houses who will move them at no cost to the county. We should definitely look at that strongly. The parking garage is going to be large. It is going to be significant to the homeowners that are near there and there are some questions about the traffic impact that makes us uncomfortable. The building, at this point, at least to me doesn't look all that attractive. That needs some help. So there are still significant questions that I hope can be brought amicably with the county in a spirit of compromise with the board.

- Hammler: I actually consolidated my intro comments with my final comments because I didn't make any comments because we had no motion earlier and I am very sensitive to how late it is and these poor kids in the back, I believe they are here for a merit badge. Thank you for all of your patience and willingness to be part of this important process. I just have to thank all of you. I will not reiterate the brilliance of your comments and the importance of your participation – everybody who emailed, who is willing to stay up until after 11 o'clock tonight, those who represent living in the downtown, renovating pre-revolutionary war homes and putting a very difficult decision into perspective – Ron Rust, Mr. Armfield, [inaudible] I could go on. Matt Cole, who is staying late, who did an incredible amount of research bringing that forward. Gwen, tremendous recommendations, thank you for representing the downtown business association, but you also represent those who have been working on the vitality of the downtown for years and years and years and this is such an incredibly important anchor whether you want to talk about expanding a 9 to 5 economy or not. We are the county seat. This is at least 500 jobs and it is the feet on the street that everything that we have been doing is, you know, all about. The BAR – we all know that you made the right decision and that ultimately the council needs to look at this in terms of we looked at it, is it either going to be something that we don't reverse and it becomes economically devastating or is it so optimistically represented for us, it is an economic opportunity? But we are really going to work closely and collaboratively with the county on the beautiful architecture of this new expanded courthouse because that is going to be our future history and something we can be extremely proud of. So, with that, you know two weeks ago I did my best to get majority support to make it as easy as possible to get this resolution passed because my [inaudible] was to come here next meeting, but unfortunately [inaudible] with an Easy Button to say hey we are with you and we are looking forward to collaborating with you because we know this is a complex project. We want to work with you on the parking issues and so many things, but I know we will. So, in closing I am looking forward to obviously supporting this motion. Under new business, I will be bringing forward a very succinct motion regarding how to streamline this process moving forward.

**MOTION 2015-009**

*I move to reverse the decision of the Board of Architectural Review rendered on May 18, 2015 and approve the county's request for total demolition. The Council urges the county in accordance with their required timeline to be responsive to any other individual, corporation, or entity willing to move the historic structures as well as to work with the town on an appropriate commemoration. The demolition will occur only after receipt by the applicant of both a building permit for new construction of the new district courthouse and after final approval for the submitted rezoning TLZM 2015-0002. As provided in the procedures for Demolition outlined in the Old and Historic District Design Guidelines, the applicant must conduct an intensive level architectural survey in accordance with the Virginia Department of Historic Resources (DHR) Guidelines for Conducting Cultural Resource Surveys in Virginia; the applicant must conduct a Phase 1 archeological study to determine if the property yields information important in Leesburg's history; and the applicant must demonstrate that the site will be prepared and maintained in accordance with a landscape plan once portions of the building have been demolished.*

*The motion, as above, was approved by the following vote:*

*Aye: Burk, Butler, Fox, Hammler, Martinez, and Mayor Umstadt*

*Nay: Dunn*

*Vote: 6-1*

b. Minutes of March 10, 2015

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

**MOTION 2015-010**

*I move to rescind the approved minutes for the Regular Session meeting of March 10 and approve the revised minutes as provided.*

## Council Comments:

- Hammler: The town clerk, sometime after that meeting created a new format and just giving the significance of that particular meeting, it seemed relevant that we should apply that same template to these minutes. So, I appreciated that permission under new business to bring this forward.
- Dunn: As I mentioned last night, I think that the need for verbatim minutes is not really there. I think it is undue staff work and effort when if anybody in the public wants to hear exactly what council says, they can watch the videos.
- Burk: Am I understanding this? Does this make all of our minutes now verbatim minutes?
- Mayor: No, this is one set of minutes that replaces another set of minutes. It does not have any power outside of this particular set of minutes. Now, we – the verbatim or not verbatim issue is another issue. That is not what this is doing.
- Hammler: I was going to mention that at some point we didn't as a council discuss the fact that Lee Ann had changed the type of minutes.

- Mayor: That is not really germane to this particular motion.
- Hammler: Just in response to that particular comment.

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Fox, Hammler, and Mayor Umstatted*

*Nay: Dunn and Martinez*

*Vote: 5-2*

d. Amending Resolution 2015-001 Making Councilmanic Appointments to add Liaisons to Leesburg Fire and Rescue Companies

Burk: I re-read the letter and in the letter, they invite you to be the liaison, but they do not mention anybody else. So, to me it was a letter about you. It didn't invite...

Mayor: I do not have the time to do that. So, we can either vote to make someone else the liaison and if they don't like it, they can say nope, you are not allowed in the meetings.

Martinez: I would say we wait until we get clear clarification of what they want.

Mayor: Okay, we can send them a letter and...

Hammler: Are they coming back to a work session and we could bring it – we have asked the question several times, but if it is at the next work session we could bring it up then.

Mayor: Kaj, could we just get a letter drafted for my signature to ask them if they would accept someone other than the mayor?

Martinez: Madam Mayor, I believe we have an official representative of the fire and rescue, if we want them to make a comment.

Mayor: Tammy is welcome, if she wants to, but I don't know if she would want to speak for the board at this time.

Burk: We need to bring this back when we get clarification on it.

**12. ORDINANCES**

- a. None.

**13. UNFINISHED BUSINESS**

- a. None.

**14. NEW BUSINESS**

- a. *Council Member Hammler made a motion to suspend the rules to bring an item of new business before Council. The motion was seconded by Council Member Fox.*

Council Comments:

- Hammler: I would appreciate bringing forward the resolution to be able to communicate this council will be directing staff to expedite the process.
- Martinez: You can't bring up the motion until the rules have been suspended. So, you want to bring up the motion to....

Mayor Umstatted noted that all members present would need to vote to suspend the rules in order for this item to be heard.

The motion to suspend the rules failed by the following vote:

Aye: Burk, Fox, Hammler and Mayor Umstatted

Nay: Butler, Dunn and Martinez

Vote: 4-3

#### 15. COUNCIL MEMBER COMMENTS:

Council Member Fox: I want to thank, even though a lot of people left. There were so many people here who need to be thanked, especially the BAR members. I had the privilege of being liaison. I think they did everything right. I see their side of the issue. It is a tough one for me. Chairman York for being here tonight and answering the questions that we had was very helpful. I want to thank Mr. Scofield. He really put a lot of time and effort into this whole process and I think he should be thanked for that as well. The only thing I really have for this past couple of weeks since it is summer time – there not tons going on, but I met Mayor over at Layered Cake Patisserie for the first anniversary and participated in the flash mob – my first ever. That was fun.

Council Member Hammler: Just a few quick disclosures, Madam Mayor. I went downtown on the 15<sup>th</sup>. We did the recon for those that could go to the ark in Anacostia, which is the building in which the [inaudible] school of music and the performing arts center is located and downtown I was also invited to go to a beautiful beer garden example that is downtown that hopefully will be coming to Leesburg. It is just a lovely idea speaking of night life and bringing energy and vitality so I did that on the 15<sup>th</sup> as well. I had a conversation with Shye Gilad on the 27<sup>th</sup> and a conversation follow-up on the performing arts center and parking issues with Dieter Meyer on the 27<sup>th</sup> and just in closing getting a lot of great feedback on getting mulch at the town parks. Many thanks to parks and recs for the mulch.

Council Member Martinez: I was at the VML meeting for general laws and there was some discussions on body cameras for police departments. We also had a good discussion on drones and how we are going to approach that legislatively. There were a couple of other things that I'll bring back at the next working session, if you don't mind, I'd like to bring up and just discuss. Other than that, it is going to be a long drive tomorrow morning. I did want to thank my neighbors who really got a kick out of being recognized. But, they really listened to the meeting and I just thought the fact that they took that time, it had to be acknowledged.

Vice Mayor Burk: I have nothing.

Council Member Butler: Just a couple of quick things. I look forward to being with you in person next time and I will volunteer to come to a meeting out at town hall for an entire day to see if we can come up with a better technological solution to this. The good news is I could hear the Mayor perfectly all night, but some of the folks, Katie, Suzanne, not quite so much and there just has to be a better way. I do have one disclosure that I will submit in writing when I get back, but I did meet with the Poet's Walk guys last week. I

was also down at VML the same time as Marty with the Environmental Committee and there are a couple of things of interest that I intend to bring back next time. Other than that, it is warm up here in the north and I know – I hear it is pretty brutal down back home so stay cool.

Council Member Dunn: I just wanted to mention that I don't always look for government to do a lot of things, but one thing I forgot to mention during our discussion earlier is when we have a historic district, I do believe that is government's responsibility to preserve it, not to destroy it.

**16. MAYOR'S COMMENTS**

I've got one disclosure. I met with representatives of Poet's Walk today.

**17. MANAGER'S COMMENTS**

Mr. Dentler had no comments.

**18. ADJOURNMENT**

*On a motion by Council Member Martinez, seconded by Council Member Dunn, the meeting was adjourned at 11:27 p.m.*

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council  
2015\_tcm0728

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

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

**Council Members Absent:** Council Member Fox participated remotely from home for medical reasons after Item 1a.

**Staff Present:** Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Assistant Town Manager Scott Parker, Director of Parks and Recreation Rich Williams, Director of Planning and Zoning Susan Berry Hill, Director of Public Works and Capital Projects Renee Lafollette, Senior Management Analyst Jason Cournoyer, Senior Engineer Anne Geiger, and Executive Associate I Tara Belote.

## AGENDA

## ITEMS

### 1. **Items for Action**

- a. Remote Participation for Council Member Fox  
*On a motion by Vice Mayor Burk, seconded by Council Member Butler, the following was proposed:*

***MOTION 2015-011***

*I move to allow Council Member Fox to participate in tonight's work session meeting electronically.*

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Martinez, and Mayor Umstattd*

*Nay: None.*

*Vote: 6-0-1 (Fox absent)*

### 2. **Items for Discussion**

- a. School Contributions/Capital Intensity Factors  
 Sam Adamo, Ph.D., Loudoun County Public Schools, was present to answer questions.

Council Comments/Questions:

- Butler: Last time we talked, and there is new numbers, if I add them correctly – what is it? The estimated change in proffers is from something like 29,000 for a single family home to 16,700 or something like that. 19,000, okay. So, what we were hoping to get was some kind of a spread sheet that would show us where the 19,074 dollars or whatever, wherever that number came from and we were hoping to get it ahead of the meeting so that we could study it to ensure that the assumptions regarding land use and such in Leesburg were correct but I

am not sure that we received that information. So, without that, I am not sure how I can figure out how to vote on this.

Sam Adamo: Thank you. Again, I think it is important to understand that the school is part of the capital intensity factor. We are just a contributor. We do not determine the calculation upon which those monies are based. Basically, we provide information and I have submitted a packet that was a part of your materials this evening that provided a history and overview of how we do the student calculation and look at student generation from single family detached, multi-family as well as single family attached and how that has changed over the years, but as far as – we provide those inputs to the county. We don't do those calculations. That's a county responsibility.

- Butler: Kaj, is there somebody at the county where you could...oh great.

County budget manager: We do the calculations for the CIF. Just a little background. The CIF was reviewed by the County's fiscal impact committee, the finance committee and it went to a public hearing. All the calculations that went into the CIF can be found in the public hearing packet. If I knew you wanted the exact calculations, I would have brought those tonight. I didn't know that was what you were looking for. It was at the December 10 public hearing with the Board of Supervisors as one of the attachments to the item, all of the calculations were included for each of the five areas that we have different calculations for. We have five CIF areas in the county, the east, Rt. 7 west, Dulles, Leesburg, and then I believe the southwest area and that is all based on land values. How it is derived is the county has capital facilities standards for different types of facilities of which we have elementary schools, middle schools and high schools. We determine a general calculation of what it costs to build each of those facilities, and then determine what the cost per capita is. So, if you remember the CIF is the charge per capita of facilities contributions that we do for new development – so that is on new residential units that come through for approval with the county, so they develop a per capita cost. If you look at the CIF tables, we also have a calculation factor for each housing unit type and then there is a school children number associated with that. So, all the calculation is we have the per capita cost for all of the facilities times the number of people we expect in each of those units and that gets you your calculation. It is very easy math. The reason why the score numbers went down is based on information we received from the schools, they had a change in methodology. In the past, we would calculate the cost for every single capital facility standard that we had. What we determined is there is some facilities, and I will use the youth shelter as an example – the standard for the youth shelter in the county is 2 for the county, so we want to develop two youth shelters to serve the entire county. We have two youth shelters developed, so there is no reason to charge developers

for the cost of two youth shelters when it is already accounted for. We would be charging them for something we are already providing. So, we netted the cost of those facilities out of the calculation. So, when you see the CIF numbers drop, it was primarily due to the fact that for a lot of these facilities, we are meeting our standards. On the school side, we have been very aggressive, I would say, very well funded middle schools and high schools at an extremely high rate. If you think about the high schools we have developed just in the past few years – we have Tuscarora, Riverside is about to open. You have Rock Ridge has just opened. John Champe, so that's four. We have two more in the CIP – HS9 and HS11, so we have developed a lot of high schools. When we looked at it, we didn't need to develop any more high schools and middle schools. We only need to develop elementary schools based on the current planning numbers so the only school factors are costs that you see on this CIF are related to elementary schools in the county – so that is why the number dropped.

- Butler: So, in other words, so okay, the new numbers that you developed, say the 19,074, for instance. How many years out do you expect that number to be valid before you would recalculate it?  
County Budget manager: Based on direction from the fiscal impact committee, we have to look at this every two years. That is what's required in the comprehensive plan for the county. It is a review every two years. We got away from that, so the last time we had done this was 2009. We just updated it now in 2014, but the committee's direction to us was you need to look at this every two years because if a big rezoning comes in, particularly around Metro, that throws off some of the planning projections and population projections. So, they wanted very regular review. So, we will be reviewing this in another two years.
- Butler: So, in two years in theory, it could go back up to 21,000 or it could go down to 17,000 or who knows what.  
County budget manager: We will reevaluate if more schools are needed. We can readjust so the CIF could go back up based on what we see as the population projections are. Yes.
- Butler: Okay, so now with such a significant drop and with such a – the five years it has been since you looked at the last, would it be fair to say we have probably been overfunding it for the last five years unbeknownst, so now we have excess capacity within the school system capital program and that is why we don't have to charge as much. I think that is what I heard you saying.  
County budget manager: I wouldn't say that because primarily because the facilities are facilities that are in operation, but also in the CIP. So, we have netted out facilities that are currently in our capital plan through 2020, so I wouldn't say that we are over compensated because there are still school facilities that we have netted out that have yet to be built. They are still in this capital plan. We have looked at the

numbers. They are pretty much right on as far as meeting scores with enrollment, so I wouldn't say that we have overcharged.

- Butler: Okay, but it just begs the question of if it costs 29,000 or whatever the number was in the past and now it is costing significantly less, that is not because it is a single shelter or something. That is a significant change so something has happened. That's okay. I can say tomato and you can say tomato, but I think I got it. Thanks. I will look in the December 10 packet and see what I can find.

- Burk: Thank you for being here, but could you explain to the public and the council what is the capital intensity factors and how does the county use them.

County budget manager: Like I said, the capital intensity factor is the calculation that the county develops for new development in the county and it is an attempt to try to estimate what the per unit contribution should be from developers for new rezonings that are approved.

- Burk: So, when a developer comes in and they want to build single family detached, you tell them before they can begin that before they – their bottom line has to also have \$19,000 in it to cover the capital intensity factors.

County budget manager: Yeah, we do calculations, so if they come in with 100 single family detached units, we can do the calculation.

- Burk: So, right there, they know how much – they know exactly how much it is going to cost them because you have already done the factoring, you know what the numbers are and that is just part of the process that they know automatically when they go to the county.

County budget manager: Yes.

- Burk: And here at the town, we don't have that. And I really feel like we have been losing a lot of opportunity to help the taxpayer to not have to pay for these other things that the county automatically has taken care of. So, that's why I brought this up because I wanted us to look at what is it – what does the county say that they are doing that is costing, because we can't be too far different. There will be some differences, yes. But we don't have these numbers. We don't have a capital intensity factor program and so the developers come in and it is uncertain for us, it is uncertain for them, but we are not getting the money that they should be paying because of the impact of their development. So, I just wanted that to be clear. And the other thing is that \$19,000 covers everything. It covers the cost of parks and rec, the cost of schools, the cost of fire and rescue. It covers...

Staff answer: That number, I think, is just the school capital intensity factor.

- Burk: The 19 is just the school, so there is additional – there is even more money that the county asks for from developers?

County budget manager: Correct.

- Burk: And again, we are not. So, I think it is an opportunity now. We always talk about what could we do to save the taxpayers. Boy, it

seems to me like a no-brainer to put this in place. It is already in place in Fairfax – a similar program in Fairfax. We’ve got it in Loudoun County, so why not – why shouldn’t we have that same thing here, but anyway, that’s why I brought the discussion up. I was hoping, Kaj, that we would have – one of the things we asked was how much would a consultant cost and I guess you weren’t able to get those figures?  
Staff answer: We have that in the non-school factors in your – for tomorrow.

- Burk: My iPad is down, so I might be a little behind. So, it is in here somewhere?

Staff answer: For tomorrow night, it is on your potential action item. We are requesting that if you do want to proceed with this that we move forward with an RFP. We are giving you, I think it is a \$75-80,000 estimate to get the work done by an outside consultant to help us bring that together.

- Burk: Well, to me this seems like this is something really important that we should be doing. We should have been doing it before, but we most certainly should – we have the opportunity now and we should take advantage of it because we do have some new rezonings coming in. We do have some infills coming in. It just seems like this is the time to do it. Thank you.

- Martinez: Thank you for coming and explaining some of this stuff for us. I really appreciate your helping us out. The question is in the future, do you plan on readjusting the factors? How often do you go back and look and say it is time to readjust?

County budget manager: Every two years.

- Martinez: Every two years. Okay. And from what I understand most of what you are doing now, what you call it your capital asset preservation – that is primarily your big focus right now. You have got the new high school coming online. I am sure that is a big focus. But what I am getting at is what you are looking at using the funds for this capital improvement factor or whatever we call it. Intensity factor, thank you. You know, we are looking at making sure that we not only have the money for the schools, but we keep up with the rest of our school system.

Sam Adamo: I think that what we actually have is a two pronged approach. We have our capital improvement plan. That is usually major renovations as well as new facilities, but one of the reasons that I did pass out the capital asset preservation program and make the council members aware that we look at all of our schools on an ongoing basis. What we have to do is fund any kind of major improvement that is over \$10,000 and has at least a 10 year life span to it. That isn’t the most attractive projects all the time. It includes window replacement, repaving, resurfacing of parking lots, replacement of dishwashers in our schools. Things like that. Again, we update that plan every year and then we try to spend monies on all of our schools judiciously and you

can see in that handout, that we have looked at schools throughout the county. There are several Leesburg schools in there that did get funding. I think, if we begin looking at our community building up, because right now, basically our development areas are really the Dulles North and Dulles South areas. Most of the rest of the county is actually stabilizing. We aren't seeing dramatic enrollment growth like we did in the latter part of the 90s and the last decade. So, again, what we are going to be looking at and focusing upon is getting a renewal schedule in there for all of our schools and it will be based on looking at their age, their condition and things like that in order to provide, we think, a good maintenance schedule. Because again, if you start looking at schools that start to age, that are 20-25 years you start talking about major systems and again, as we have had changes in the education field, we need to provide updates in that school so that constitutes a lot of our major renovations that we are going to be looking at in the near future. So, again, that is what our goal and intent is with something like that.

- Burk: The money that we gather from development within the Leesburg area, Leesburg district, or whatever – I'm not sure what it is called, that stays within the Leesburg schools?
- Martinez: That was my next question.
- Burk: See, great minds think the same.  
Sam Adamo: That is correct.
- Burk: But in the end, it is the school board that decides how that money is spent. They most certainly...the town could say boy we really would like you to have kindergarten in all the Leesburg schools, but in the end, even though we are transferring the money to you, the school board is the one that ends up making that decision.  
County budget manager: Ultimately, the school board basically are the policy makers and they set that direction; however, we did point out to them that the moneys that are collected by Leesburg, the intent is to be spent on Leesburg facilities. That message was widely and understood by everybody. Again, I think one of the things that the board is looking at is they consider new initiatives like full day kindergarten and some of the other things.
- Burk: But, as a town, we can't say to you we are going to give you this money if you use it to get new dishwashers in all of the schools in Leesburg. We can't dictate to you, the school board representative or the school board, how to spend that money. We can give you the money and suggest, but in the end, we can't determine where that money is going – how that money is going to be spent. It is going to go to Leesburg schools, but how it gets spent is really up to the staff – the school board staff and the school board.  
Sam Adamo: That is a school board decision, not staff.
- Burk: You would like it to be. That would be good.

Sam Adamo: I think I understand how things work and it's a school board decision.

- Burk: Again, I just want to make the point that we can't tell you how to spend that money. The school board or you. We can't say this money we are giving to you, but you have to use it to do such and such. That is not the prerogative of the town. That money is to be determined by the school board how it is spent.

Sam Adamo: With the caveat that the moneys are to be spent in Leesburg Schools.

- Hammler: Thank you both for being here this evening. So, how often do you change the Capital Intensity Factors? Just kidding. A little levity for tonight. I guess I will start with where we just ended, which is we had talked about the fact that would there be a way for the council to have a more direct, collaborative policy making role in how to allocate the funds coming from Leesburg. I guess, is that something that could be considered and if so, how. In other words...under what circumstances could the council have a more direct role in actually being part of that policy decision about how to spend Leesburg dollars for schools? Maybe the answer is none and then my follow-up question would be what sort of process should we put in place just to follow the dollars? Like for instance, Dr. Adamo, you were kind enough to send when I asked the question about ROTC and some of the things following up when we sent the JR Festival Lakes dollars through the school board and I know that a number of things for Leesburg were identified. Is there actually a follow through to report back to council that shows how those dollars were spent?

Sam Adamo: yes, we have that process set up.

- Hammler: Great. So, I just don't remember seeing these reports come through, so I will look forward to flagging them. My broader question, which isn't in our packet, you are talking about lowering specifically the capital intensity factor for schools and Mr. [inaudible] you already alluded to the fact that there are a number of other things that go into the overall capital intensity factors and we don't have a list of those for what the county has. I would definitely like to see them to see which one may have gone up and if there is a net increase which I guess logically it would not if the prediction is that population is going down, so my question, because the point I had made last time when we had the discussion was you know my level thinking about policy decisions and the concept of lowering, at least this one, so it might be offset by the other capital intensity factors, we don't want to create an incentive for more residential development, so logically, even you know, recently with Chairman York being here talking about we have to keep building more and more government facilities to keep up with the population that there is so many other things that have to be built because over time we are trying to build things that take a long time to build, but population has increased dramatically, so to net that out, it would be

useful to get what those other capital intensity factors are and I guess if you have it available this evening, has there been a net increase or in fact a net decrease for the overall allocation, like what that total dollar is when you add up all the amounts?

County Budget manager: As far as the per unit charge – is that what you are referring to?

- Hammler: Yes, so if you look at all the individual intensity factors, what is that big number – break it down when you can but has it been lowered or has it in fact gone up?

County budget manager: In each of the five areas in the county, it went down in each of the areas.

- Hammler: Went down in all the areas and it would be useful to get what those actual line items are because my next question is one of the reasons why I think we would consider aligning with the county is because we need a justification for how we came up with this number and you came up with a justification and I think we would be in sort of a legal tenuous position if we came up and just arbitrarily came up with a different number, so if Kaj, I would think at some point have to use some level of ratios to come up with our own intensity factors, in which case, why do we have to spend \$70+ thousand to do that and I definitely want to know what you think we should [inaudible] because you know we have rising costs with TMDL costs. We have parks, police that I think has been woefully mismanaged because we have been sending money away and not keeping things like being able to fund police capital projects, but my question for you is why do you think we need a consultant when in fact we really should mirror what the county is doing.

Staff answer: That is a council decision to make. Our position as staff is we don't have the resources at the time to take on such an assignment that would have to be defensible and have good rationale. We just don't have the resources to do it. If the council wants to do this, my recommendation is that we are going to have to pay a professional consultant to help us gather that data. We do not have the resources, it is as simple as that. If we had extra people and they could be assigned to that, I am sure we could work that out. We just don't have that. And these are non-school – the item that you are referring to is the non-school capital factors.

- Martinez: Can you clarify what you mean by mismanagement? [inaudible]
- Hammler: What hasn't been done right.
- Martinez: You just made a statement. I am just wondering what you are referring to.
- Hammler: Well, I asked my question and got it answered so unless you want to rephrase the question, I am not sure what to answer.

- Burk: What did you think was mismanaged? Is that what you are asking? You used the term mismanaged. I think he is asking what did you feel...
- Hammler: You will have to remind me in what sentence I used it as I was getting to my question – that is what I am focusing on.
- Martinez: When you make a statement like that about staff mismanagement, it is something I think you need to be a little more specific about – what you are referring to [inaudible].  
Staff answer: If I can just chime in here to add onto what Kaj said. You have, of course the CIF is composed of the school CIF plus the non-school CIF. Tonight, we asked Sam and Dan to talk about the school CIF, which we can here, in terms of what the county is doing. Obviously, the county is the provider of the capital facilities for schools, so we can look to them for guidance on what the school CIF should be; however, the non-school CIF is completely different because town of Leesburg provides very different facilities than the county does. So, what we have to do is look to our own needs and the cost of those needs for the town. That is what Kaj was talking about when we need to hire a consultant to help us come up with that figure. It would not be appropriate to copy what the county has done for their non-school CIF because they have very different facilities than we do.
- Hammler: Alright. I guess that is probably the bottom line because from the beginning I have been trying to get at the bigger number, the things that matter to Leesburg so appreciate your helping build to this ultimate decision we have to make tomorrow to finally get to the level of discussion that I think Council needs to have considering we are basically behind the eight ball. We have got land development applications already in and we are near build out. So, appreciate the feedback.
- Fox: I can hear somewhat, so [inaudible], I apologize in advance. If I heard correctly, I heard Dr. Adamo and the representative from the county say that this year's capital intensity factors were factors only related to the elementary schools and that is why we see such a drop in the number. Number one, can you correct me if I am wrong. Number two, if I am not wrong, why is it that the elementary schools are the only schools that were factored into this?  
Sam Adamo: That is correct with the new calculation on the school side. The only costs that were in the model were for elementary schools and that is because through CIP funding in the past few years, we have developed many high schools and middle schools and we have several more in the current CIP that were netted out. In essence we are meeting the demands for those schools through projects that are in development, recently have been completed or in the current CIP. We are behind on elementary schools, so that is why elementary schools are in that calculation.

- Fox: That helps me to understand that better. When you categorize the age restricted units and that there is no capital intensity factor applied there, is that something that is new for age restricted units or is it always or did we never applied capital intensity factor to age restricted units?

Sam Adamo: This is the first time we have had a specific capital intensity factor for age restricted units. That was directed by the Board of Supervisors. In the past, schools were part of the CIF calculation and then there would be negotiation with the developers as to whether or not that should be applied to their capital facility contributions. Because age restricted units in theory shouldn't have school children. Now, that's not 100 percent guaranteed. When you look at proffer statements, unless the proffer statement says there will be no children under the age of whatever in these units, there are loopholes they can get around. So, the board wanted us to calculate what the CIF would look like for those units and part of the direction, when we approved that, was to ensure that while they are age restricted units, the proffer statement specifically prohibits children from being in the units.

- Fox: Okay, thank you and I just have one last question and I suppose this would be for Kaj but he sort of touched on one of the questions I had about the need for a consultant and he just stated just now that we don't have staff resources to go in and figure out the capital intensity factors for the town. My question is do we have the monetary resources to do so?

Staff answer: Yes, if the council desires to do that, we can find that. We will need that probably out of our unassigned balance, so you will need to appropriate that, but we would be able to find it if you wanted to do it.

- Dunn: Do we have the number of units that are left to be built in Leesburg, by right? Do you know, Susan? Do you know the number of units that by-right are still left to be built in Leesburg? I think the number is around 2400 or something like that.

Sam Adamo: I can get you that information. We monitor that pretty closely with the building permits and everything. We do a take down usually beginning of July. I can probably get you an estimate as recent as July, if that would suffice?

- Dunn: Yeah, that would be good because then if you could also shake those numbers out to what they would be by unit type, dollar amount wise so that if we know what is the lump sum if we were to go with the intensity factors, how much money are we talking about and what would that impact be to the whole school budget.

Sam Adamo: If you don't mind, I would rather stick to what I know which is schools and planning. I could certainly get you that information as far as extrapolating what those costs might be.

- Dunn: That's fine. If you know what the types of units are by right then I could take the numbers that you have here and just multiply it

out. That's fine. The reason I ask is I would like to know really what the impact is going to be and if these funds are going back to the schools, how much is that really going to impact the school budget – what percentage is that.

- Dunn: And I guess, based on the numbers how many more schools are going to need to be built in Leesburg? Do you know that? I don't think we have any.

Sam Adamo: Again, some of what may or may not occur in Leesburg if you are only going to be dependent on future decisions that the town council may or may not take, what I can provide you is a list of the units that are approved that are yet to be built. We also monitor the applications that have been denied, those that have been withdrawn as well as current applications that are moving through the system. You can look at what is approved, not yet built, as well as applications that maybe coming your way to create those calculations as far as the upcoming needs. We are familiar with some of the areas that are approved and we are aware that problems may develop. For example, in and around Evergreen Mill. We can certainly get you that information.

- Dunn: That would be great. So, you'll be able to tell us whether if at build out how many more schools we would need in Leesburg.

Sam Adamo: That would be correct.

- Dunn: Okay, and you could provide that? When would we be able to get that? Is that for tomorrow night?

Sam Adamo: I can try to get it for you.

- Dunn: I'm just wondering because Council was acting like they might want to make a vote on this tomorrow night.

Sam Adamo: I'll try.

Staff answer: Madam Mayor? May I ask where you want to go with this? Accepting their number? Do you want to take action? It is not on your agenda for tomorrow night. Do you want me to add it tomorrow night? Do you want to do it in two weeks? What would you like to do?

- Mayor: I am getting a sense that most members of Council are willing to accept the school system's numbers and the county's numbers on school intensity factors, but correct me if I am wrong. If so, would you want to vote on it tomorrow night?

- Hammler: I am willing to consider it, but I would prefer to do it when the consultant report comes back and we look at it as part of the overall set of factors that we are analyzing. They are not going to look at that relative to total number?

Staff answer: Right, the consultant item for tomorrow night is non-school capital factors. What they are here tonight is school factors. They are similar, but they are two separate things.

- Burk: And I think we heard Susan say that we can accept the county's numbers for the schools. That is their numbers. They take care of the schools.

Staff answer: The staff's recommendation has been to accept their numbers for schools and you would need to just take action to that, but I don't know if you are ready to do that or not. I think you are, but I just need to know what your direction is.

- Martinez: [inaudible].
- Butler: I would prefer to wait to have a chance to go over some of these numbers because I am concerned that I am not quite sure I understand how we have enough capacity in our middle schools and high schools to take into account development that is in the pipeline is one concern. I am not yet comfortable with that. The second thing is we recently have made an enormous change in Leesburg and the potential for by-right residential development is very high so I am very concerned that we might be selling ourselves short there, so I would like a chance to go over some of the assumptions that were made by the county and the schools just to get comfort that all of that has been taken into account as well. It probably has and if Council insists on voting tomorrow, it is only two years and if we made a mistake, then only the people who are going to come in and get their stuff approved over the next two years, they are going to have some sort of a windfall. I can live with that, but like I said, I would prefer – I don't think we have any – is there any particular pressing....

Staff answer: No. I just wanted to clarify what your direction is – if you were ready to go forward or if you want to wait a couple more weeks.

- Butler: Okay, so I prefer to wait. Just had a chance to look through the numbers. I downloaded the attachment and it is chock full of lots of numbers so my eyeballs were nice and big and it looks like good stuff, but obviously I can't go over it in so short a time.
- Dunn: I don't see a need to go forward right away. I would rather wait – take a look at the numbers because I am not even sure that we need to be collecting this and I think that the town is already spending enough or sending enough money to the county, but I would like to look at the numbers before rushing to vote.
- Mayor: I think we are split. We have two clear votes to go forward and then possibly three against. Any thoughts on whether you want to vote tomorrow night on whether to accept the county's numbers, which is the \$10,000 reduction in school capital intensity factor funds.
- Fox: I tend to agree with Tom and Dave. I would like to take the time to look at the numbers myself, so I would tend to wait as well.
- Burk: Okay, point being the county determines these numbers. They have had their committee, the staff has looked at it – all this stuff. Barbara, can we as a body decide that we want to charge more for the county services of the school system, because the other numbers – we are not voting on the other numbers. We are voting simply on the numbers for the school system. Can we charge more than the county is asking for?

Staff answer: Sure, if you can back those numbers up with data.

- Burk: How could we possibly back those numbers up? We don't have anything to do with the schools. It is their bailiwick and their job so why would we presume that we could look at numbers and come up with better numbers than....  
Staff answer: Let me answer it differently. The only way you could is if you had the data to prove it. Otherwise, you should go with the county.
- Burk: So, it seems to me that we should – the county has asked us for this amount of money. We already have it in a resolution – we are responsible to collect that money for the schools to go to the county schools. That is not in debate. That is going to continue. At that point then, we should be taking the money that the county says that they need and not looking at other numbers because they have looked at the numbers. They know what they want. So, to me I think we are extending this longer than we need to. We ought to get it off the table. Then we could start the other intensity factors. We could really spend some time looking at it. To me, this is just something we should get done. It is part of the process that we have done the last few years. We have a resolution that says that we collect the money. It goes to the school system. It stays in Leesburg.
- Butler: At some point, I might prefer to – want to understand why you have so much energy around charging developers \$10,000 less per house that they want to put in.
- Burk: That's not fair and that's not true.
- Butler: Well, you obviously have a lot of enthusiasm to vote quickly, so that's essentially what we are doing – we are going to charge developers \$10,000 less for every house. That's the bottom line. So, anyway, without getting into all the details, I went through all the county's numbers. To be honest, I have seen the county, I have seen consultants, I have seen the town staff, make fundamental assumption errors that have been worth millions of dollars in previous reports, such as this.
- Burk: Such as what?
- Butler: Well, I had two separate consultants that gave us reports on water rates that had fundamental flaws that were millions of dollars off. I found the errors. So, and that caused us consternation. It caused us to have to raise rates higher than we should have raised them. It was intense conversations and they were big problems. I have seen – it is not too long ago where staff had a staff report – it was a small thing, but it was an addition error. It ended up ABC, but the sum that said it was the sum of AB and C was really only the sum of A and B. C wasn't even included and we saw just with the county courthouse, there were two spreadsheets in the packet and there were different numbers that – one set of numbers was larger than the other set of numbers, but they both added up to the same number. None of those spreadsheets had a math error and it was comparing apples to oranges errors. So, the

staff's, no matter who they are, they are not always perfect on these sets of numbers. Now, I have no reason to think that there is any errors whatsoever, but I did mention a couple of areas of concern about potential by-right houses in Leesburg that we have changed recently and that could be significant. Since Leesburg is its own region now, right? Okay, Leesburg is its own region. So, if there is an error, it could be an assumption error. It could be what's going on in Leesburg. That could be a significant change because it is only the town that is in the region. I don't see what is the downside of waiting just to give a few of us a chance to do a looksee of the numbers and see if there is anything that comes out blaring. I would also look at developer numbers that justify why their developments are so great for the county and I have found fundamental assumptions that were, of course, in the developer's favor. That completely changed the whole context of the numbers. In fact, some of the information that I have provided a few years ago contributed, probably in a small way, but did contribute to a development getting voted down in the county. It is not rare to find assumptions that are incorrect, through no fault necessarily of anybody, but it is a huge job to create a spreadsheet like this with thousands of rows. So, I just don't see what the downside is to go and take a look at the numbers and just to have us feel more comfortable that yes in fact that represents how we feel about Leesburg and what we expect to happen over the next number of years within town.

- Burk: I really resent the implication, Dave, that I am jumping up and down to save developer's money. I am trying simply to get the process taken care of and get on to the more important part of it. If it is so important to you that you wanted it to continue, then we can continue it without calling each other names and suggesting what people's motivations are.
- Butler: I'm not suggesting motivations.
- Burk: If you don't want to do it tomorrow, then that's fine. I think it was kind of a cheap shot for you to go and say that I am trying to save developers money. I am trying to get the process done. The process taken care of, but if you want to hold on for three or four months, let's do that. That's fine.
- Butler: I didn't say for three months, number one and number two, I didn't say you were excited about saving developers money, but the fact is that you were excited about moving this forward immediately and the fact is that this will save developers money. So, that's just the facts, Kelly. I am not trying to accuse anybody of anything. I am just trying to understand why it is so important to move this forward immediately when our own staff sees no reason – no particular reason why this has to be rushed.
- Martinez: You know, why are we so distracted? I mean, Dave, your implications were negative. Nobody criticizes you because want to do somebody else's job [inaudible] so we are really off what we are trying

to accomplish. A simple comment that you want to wait would be enough. I think Kelly and everybody else would agree to go along with that. When we talk about being civil, I think it is time we continue to practice it.

- Mayor: Just questions, I think for Susan and Barbara and the county representatives. Is there any disadvantage to the town for waiting for Council members who want to look at these numbers a little longer to give them that time.  
Staff answer: My opinion, Madam Mayor, is no. The developers that have already submitted proffers are well aware of this process now. Those proffers have to be voluntary, so the numbers they are submitting I can't imagine would be challenged.
- Mayor: Well, I would say then, Council wants certainly until at least into September to review the county's spread sheets, so we won't be taking action tomorrow night.  
Staff answer: I will have it on the September 8<sup>th</sup> for action.
- Mayor: Do council members feel they might be ready to make a decision at that point? September 8<sup>th</sup>?
- Martinez: You were talking about transparency earlier [inaudible] this is an example of why this can be so valuable. Dave did not have to request that. He can just go straight to the site, get the data and make his own decisions.
- Mayor: That's true. But I think that's what Dave just did. As soon as Dr. Adamo mentioned a Board of Supervisor's meeting, Dave went right to the county's site and pulled up the document.
- Martinez: I am just saying, that's the advantage.
- Mayor: You are right.
- Hammler: [inaudible] Dr. Adamo, allow him to leave – just in passing I was wondering because he sits on the School Board's finance committee and we are discussing the skate park next and that is going to the school board finance committee tomorrow, I just didn't know if we could solicit his support, if it is appropriate, but I know it is getting late because that's the next agenda item. I just didn't know if he needed to be part of that.
- Mayor: You are certainly welcome to stay. Council members could ask questions of anyone who is in the audience. But, Dr. Adamo are you going to be able to provide any key answers to what the school board may or may not be thinking about the Douglass School Site for the skate park?  
Sam Adamo: Madam Mayor, at this point in time, and Council Members, I really don't have any insight. What I do know is that it is on the finance committee agenda for discussion tomorrow afternoon. Typically once those items are discussed, ultimately it is forwarded to the board for some sort of action and you know there are a lot of questions out there in how the finance committee may or may not weigh in on that at this point in time, it is hard to say. And part of that

is probably related to the disposition of the current Monroe facility. Originally, the plan was to be that the Academy would open in the fall of 2018. As soon as our students are out of there, we would begin a renovation project and then move our programs that are currently housed at Douglass into the refurbished Monroe facility. During last spring's deliberations on the CIP, that particular project and the moneys associated with it were moved into a future fiscal year. At this point in time, we have no idea when that project, when the funding may actually occur. So, until the school board presents its CIP and until the county board of supervisors actually acts next spring in 2016, you will not have any idea or concept as to the availability of the Douglass School. Again, if it is was like the original proposals to refurbish the academy, that was in and off the CIP since 1995 and we are finally getting to it and the follow-up 2018. So, again, hopefully we will be able to keep a schedule, but again at this point, we do not know.

b. Catoctin Skatepark

Rich Williams and Renee Lafollette gave a presentation on the issues regarding the location, timetables, and development costs of the skatepark.

Key Points:

- Project was approved as part of the 2016 Capital Improvements Program in the amount of \$544,000.
- Approval was for redevelopment of the current 12,000 square foot skatepark located on Catoctin Circle.
- In June, Council approved a contract with Spohn Ranch, a nationally recognized skatepark design firm, to design and construct the park.
- In July, Spohn Ranch conducted a community input session where they gathered feedback from the local Leesburg skate community as to what type of elements and features they would like in the new skatepark.
- Approximately 25 citizens attended the input session.
- Spohn Ranch has created a dedicated Facebook page to further solicit feedback from the skating community as well as keeping them abreast of the progress of the project as it moves through to completion.
- Conceptual designs will be created from community input.
- Finalized location needs to be identified before conceptual designs can be completed.
- Four sites are under consideration:
  - Current footprint
  - Gravel lot adjacent to the current location
  - Douglass School site (no specific location on the school site)
  - Ida Lee Park
- The town has received offers from two of the skatepark's neighbors, Loudoun County Volunteer Rescue Squad (LCVRS) and Dulles Motor Cars.

- LCVRS would like to acquire the skatepark as well as the adjacent gravel lot through a no-cost lease to expand their operations and facilities.
- Dulles Motor Cars proposes a purchase of the skatepark and the gravel lot at fair market value with donation of a portion of the property to LCVRS and using the remainder of the property for employee parking.
- Parks and Recreation Advisory Commission recommends redevelopment within the current footprint and the adjacent gravel lot turned into green space to provide a more enhanced park experience along Catocin Circle.
- Skatepark property is dissected by floodplain.
- Original proposal was to redevelop on the existing skatepark footprint.
- Pros of original proposal include:
  - Centrally located with good accessibility to the W&OD Trail.
  - Current budget would work within this site.
  - No stormwater issues.
  - Good visibility from an after-hours security standpoint.
  - Skating community knows the location.
  - Opportunity to enhance the park by using the gravel lot.
  - Original timetable can be met if location is selected by mid-September.
- Cons for the original proposal include:
  - Footprint limits the creativity of the design.
  - Does not address LCVRS or Dulles Motor Cars desires.
- Pros for the option to relocate the skatepark onto the adjacent gravel lot:
  - Allows LCVRS to expand into the existing skatepark site; about half of what they would like.
  - Central, well-known location with good visibility.
  - Pushes timetable out to September 2016, but close to existing timetable.
  - Keeps parkland within the Crescent District.
- Cons of the option to relocate onto the gravel lot:
  - Design options are still limited because of the size/shape of the site.
  - Unknown soil quality below the gravel lot.
  - Increased construction costs due to stormwater management, utility relocation, etc.
  - Only meets half of LCVRS desires and does not accommodate the needs of Dulles Motor Cars.
  - Cost escalation for this site is \$260,000 (includes 20% contingency).
- Pros of relocating to the Douglass School Site:
  - Suggested location near the northern end of the property (over the existing inline skating rink) is centrally located.
  - Public transportation stop.
  - Other amenities on the property.
  - Accommodates both the LCVRS and Dulles Motor Cars needs.

- Cons for using the Douglass School site:
  - Unknown timetable – School Board has made no decision and does not plan to make a decision until plans for the Douglass facility become known.
  - Increased construction costs.
  - Some areas of the property are secluded and create security issues.
  - County-owned property.
  - Involves potential removal of an existing park amenity (inline rink).
- Pros of the Ida Lee Park relocation option:
  - Known location with public transportation option.
  - Other recreational amenities on the location.
  - Good visibility for security reasons.
  - Can accommodate LVCRS and/or Dulles Motor Cars' needs.
- Cons of the Ida Lee Park relocation option:
  - Not centrally located.
  - Increased construction costs.
  - Facility would not be lighted eliminating evening use.
  - Too many active recreation amenities at the park?
  - Timetable could be met, if direction for location is made by mid-September.
- Increased project costs were calculated by using an average of recent projects.

Council Comments/Questions:

- Dunn: Rick, could you bring up the last slide with the costs? So, by just taking the park and moving it over more towards the gravel area from where it is, you have basically the same amount of increased costs as if you were to move it to any other location. Is that primarily because of the existing prep that is already there?  
Staff answer: It has more to do with the stormwater issues because we have the same site design that we have for either place, but we do have to meet quality and quantity requirements for the stormwater management portion of the project.
- Dunn: If you could, help me to understand a little bit and maybe if you could pull up that map, Rick, that you had where it showed the gravel area. I am dealing with stormwater management currently at that footprint so...go back to one of the colored in – maybe the next one because I think the next one actually shows – right there. How much different is the stormwater management from the current footprint versus what is proposed?  
Staff answer: So, the current footprint has very minimal stormwater control and we would be able to classify it basically as a maintenance project because we would be working within that existing footprint. As soon as we move it off of that, we get tossed into a different category. We get put into the redevelopment category of the stormwater management regulations for the town and the state. So, we have to

meet DCSM requirements for our own stormwater policy and the EPA. As soon as we move it out of the original footprint, we get tossed into that category.

- Dunn: So, those lovers of green end up being haters of skaters, is that it? You can coin that phrase, if you want. So, along those same lines because Rick you had said something too that you kind of said we aren't quite able to do one of the cons at the current location, if you bring that up. Was something along the lines that we are limited to the options. Is that – if we were to enlarge the footprint, would we fall into that?

Staff answer: Yes, we would.

- Dunn: Okay, so the only way we could get around the stormwater management – staying in that footprint, that's it.

Staff answer: Exactly.

- Dunn: Unless we want a three story skatepark, we are not going to be able to enlarge it without having basically a \$260,000 roughly dollar additional cost. Okay and now I seem to recall at one point in this whole process where we were really just talking about, at budget time, redoing the skatepark. Bringing it up to speed, making it nicer. You know, fixing it up. I seem to recall that at that time, the rescue squad said they could actually expand behind the skatepark, but it would be closer to the stormwater management area. I thought there was a plan at some point for them to do that because there was a time that they were saying I remember Mr. Skinner said we don't want to get involved in the discussion of this. We are not political. I thought during that discussion it was that the rescue squad could build kind of like behind the skatepark.

Staff answer: I am not familiar with that discussion. I think I would refer to Mr. Skinner to answer that.

Doug Skinner: We had a preliminary discussion of what was going on with some of the areas around it and we had to talk to other people about plans to do things with this. We found through our investigation behind the skatepark right here, or behind our building right here, the floodplain is sitting right there. To do that, would be an extensive issue to do that. We already looked at that. We expanded out – this part of our building right here, this part that kind of juts out has already been expanded out as far as we can go. We showed that the other day.

Unless we go into the parking. We did do that engineering and looked at that. The only way to go about things that we looked at was to go another way and look at things like this – I don't have a presentation. But it is similar to go off to the side here – expand off about 10,000 square feet off of this would give us and then have parking over here. We looked at and discussed it with some of the other people about moving this over here. To go behind it here – Rich has put this line in – this FEMA floodplain line. That's the bomb. If we went past that, going backwards out back – you are not going to be able to.

- Dunn: But you could build up to that line.  
Doug Skinner: The thing is though this right here is a drop of about 20-30 feet to that line. To do that would be excessive fill, excessive everything because over here you don't see it right here, Tom, in this area right here, there is a brick wall the auto wash put in to hold their buildings up. In there, is multiple – [inaudible] because things over the years, is multiple pylons that are holding that wall up – actually holding their whole plant on their place. For us to do this, and we looked at this back in 2005, I believe, we signed that last thing for our build outs. We put this last there, we wanted to go back further, we would lose parking. We looked at doing that wall. That wall alone would probably cost us over a million dollars for the wall because we were talking to the auto wash people and it did cost them quite a bit of money to build the wall and the [inaudible] dealing with that. So, there was a situation there. Right here is the wall. So, it was an expensive situation. We look more towards to go out this way a little bit and move through. We did show you that picture like that, or we had another option that we discussed with some of the people was to do this was just to move the skate park forward or around it, so it still kept it on the site. We want to make sure that the skate people still have skate park abilities. I have two, unfortunately or fortunately whatever you want to do, I have [inaudible] keeping the skate park because my father-in-law would kill me if I don't. That was one of his things for doing when he was in office here. Two, we need to do something with our plant at the rescue squad because we do need to keep that place going and we do not have the space, as some of you have come over and seen. So, yeah. We did change something, but the thing is we know we wanted to go back [inaudible].
- Dunn: And as far as the cost goes, the rescue squad is a function of the county, correct?  
Doug Skinner: The rescue squad is a private 501c(3) organization. We function under the county set up as a county fire and rescue company. One of 15 or 16 of us that are out there. They are private corporations that are under the agreement of the county process. We get funding from the county, we get funding from here and we make our own funding, which is going out and fundraising. We are a non-profit 501c(3) organization and have been. I was explaining this to Dave Butler and Katie Hammler the other day when they came over to visit with us in which the Rescue Squad being a private, but our whole purpose and our whole charter is to provide service to Leesburg and our surrounding areas as part of the set up. Before the 80s, in the 70s, yes there was a county system, but most of the time there wasn't money filtered to the system. It was all being made as a volunteer organization. As time went by, all these systems got built and basically the fire service, [inaudible] became part of the county. So, dispatching service and the fire services did go there, initially there it could have

went either way with towns, municipalities but it doesn't give the towns the ability to do it in the law. It says that the county does it.

- Dunn: And what about the county funding some or all of this cost to expand?

Doug Skinner: We explained that also. We go back to the funding thing that we went out here in our meeting here when we did the algorithm funding. In the algorithm, there is an area in the algorithm for us in which – we do not have a mortgage right now because we paid our mortgages off on that piece of property. This piece of property right now is paid for. Either through fundraisers or what we get from everybody bringing into our budget. We over time paid off our loans. Our mortgages. We have options to us. We are trying to make sure we are doing this efficiently, meaning low cost and that is expansion and staying in the same footprint. If we had to go bigger as our presentation showed and had to go off site, we are talking land acquisitions – our little company, which is – we are over 150 people in our company – we are about a million dollar a year business per se, if you want to call it – you know how we run things and we run 5000 calls a year out of there. That is a busy house in this county for emergency services. But, you look at our budget will fall into on the algorithm – we would put in and show we have mortgage payments and it would fall into the algorithm and we would get more money for that. Because we have budget format. Because we are also trying to fit the regulations that the county is putting down on us. Because if you noticed, recently they moved a rescue truck out. We didn't have space for them. To have the people sleeping there and have the trucks and vehicles they need. Moved over to the engine company over at [inaudible]. They want to be able to move it back in three to four years when we get the space built out so they can put it back in the same station. That worked [inaudible] over time. We have other services there that they need, like our boats, our gators and other rescue vehicles. So, we still now are kind of displaced with our rescue pieces. The other thing is sleeping quarters. We don't have sleeping quarters for them to add those other four. Right now, we have five ambulances. We run on the average three to four of them out the door. If we need to add more sleeping wise, it is hard and it is tight. So, we are looking at that. Just adding on 7000 to 10000 square feet off the side here and if you notice, I know you [inaudible] this is the only parking back here that we have. We have 15 cars to park. That is a usual night, as you can see in that picture. The other night when we were there were only a few spots left when Dave and Katie were there. I know the Mayor has been over and so has Marty. Actually, sorry Marty, we made you move one night because we couldn't get out of the garages because where he parked was in the way.

- Martinez: And also too, on some of these compromises, ideas came out of our meetings.

Doug Skinner: These compromises did come out of these meetings talking to these people. We discussed not taking the whole process, but having it so that we could move it over and also and be able to – that one document that I have sent through – it shows where we would share the lot – move the site over to here for the park and then have parking – you would still have open green area and us and the squad would work everybody to keep it up and everything else because like we said, that skate park still needs to be there, we need to do the public service. The other part of it is too is that we understand that is part of it [inaudible] a lot. People come over and knock on our door going somebody fell. Could you come help us?

- Dunn: What is the square footage that you need?

Doug Skinner: It was 7,000 to 10,000 square feet just for the buildout. I am not talking about the parking lots. The build out is 7,000 to 10,000 square feet.

- Dunn: Would you be able to fit the 7,000 square feet behind the building?

Doug Skinner: No. No way.

- Dunn: So, 7,000 square feet can't fit behind there?

Doug Skinner: If you look at that, it is out the side here. This side and up here the whole length of the building.

- Dunn: How much square footage could you fit out the back?

Doug Skinner: Right now we are at 6. There is only about 10 to 15, depending. We lose parking.

- Dunn: Right. But we can work on parking elsewhere. So, I am just asking you how much square footage could you add to the back of the building before you hit the floodplain?

Doug Skinner: I don't know probably with that because the thing is the fill is our problem. Because right here, that is where that starts going down. It goes down about 20-30 feet. The fill to do that would be...

- Dunn: What is the distance from the building to the end of the parking lot?

Doug Skinner: About 15 feet.

- Dunn: About 15 feet? It has got to be more than that because a car is about...

Doug Skinner: They are all at an angle too. I'm saying about so I don't know.

- Dunn: Well, it looks like it maybe about three times that. It is probably about 45-50 feet, would be my guess.

Doug Skinner: I'll tell you this right now. We don't have a lot in the back. The other thing is, to go in the back is part of our bays where the problem we are having, the bays are basically – if you look at that diagram there, the bays come out just a little bit – they are more of a drive through situation we are looking at. The front is where we are worried about because we don't have space for sleeping quarters and various stuff like that. That is the whole front.

- Dunn: Okay. When would you have your expansion completed by?  
Doug Skinner: We had put it and we have looked at this from the beginning as looking at a 2-4 year plan. Because, again we have to wait for this process here to go through. Then, once we get the land, the matter of we are also putting through and we have the funding like we were saying, we also go into the revolving loan program that the county has for fire companies. The revolving loan program is being used for expansion for each fire company or rescue company, they have these loans. We would take that. It is like a small interest loan. Very small [inaudible] but they would give us the loan and we have that. So, we apply for that, use that and then architecturally it out and everything else.
- Dunn: All right. Thank you. Rick, on your map of Douglass, in the area in the left hand corner, there was a purple square. Was that an anticipated location for the skate park?  
Staff answer: That was an area that was originally proposed and we looked at it at that site. The square depicts a 12,000 foot square space. In looking at that site, all staff from the town as well as from the county, our design team, as well as representatives from Leesburg Police felt that site was too secluded for this type of element.
- Dunn: Okay. Because that pretty much backs up to – is it Brambleton park? Not Brambleton park. What's the park over there?  
Staff answer: Brandon Park.
- Dunn: Brandon Park. Isn't that backing up to Brandon Park?  
Staff answer: No, that site actually backs up to the W&OD trail which is located along here.
- Dunn: Okay. And Brandon is on the other side of the trail.  
Staff answer: Brandon is on the other side of Dulles Motor Cars. Towards Harrison Street.
- Dunn: Okay. Let's see – for anyone on staff. Could we give the land to the rescue squad. Or could we give it to them or sell it to them for a dollar?  
Staff answer: Certainly.
- Dunn: Because they are a government agency, correct?  
Staff answer: No. You don't have to sell the land. You can donate land.
- Dunn: I thought that we had to offer it for fair market value but if it were a government agency then it didn't fall into that category.  
Staff answer: No. You can donate land.  
Doug Skinner: We weren't looking to own it fully. The piece of property we have now is a lifelong lease. We look at it like that. If we vacate the property, [inaudible] that is our agreement now.  
Staff answer: With all due respect, it is not a long term lease. It was a deed of gift with a reversion. It was deeded to the skatepark, but there is a reversionary clause. It is not a long term lease.
- Mayor: Deeded to the skate park or to the rescue squad?

Staff answer: To the rescue squad. I'm sorry. With a reversionary clause.

- Dunn: Okay. Let's see. I think that was all the questions I had for right now. I guess and Renee you have probably answered this already but just to make sure that I am clear on it – if we were to – it sounds like Rick that you are trying to stay within the footprint for cost reasons. If there were no cost issues, would you have rather expanded the park?

Staff answer: My personal recommendation, my personal preference being a parks professional would be maintenance of the parkland within that area. So, it would be to develop the property within it's current footprint and enhance the gravel area into a nice parklike setting.

However, I do recognize there is value to the other sites. The other sites are a viable location that you could create a nice skatepark out of.

- Dunn: So, you don't feel that you need to expand the skatepark itself, just pretty up the surroundings.

Staff answer: No, I don't feel I need to have a 20,000 square foot skatepark. Just a 12,000 square foot facility.

- Butler: First, I want to say I appreciate all the information that the rescue squad gave us last night. I had a lot of questions answered. I will say that out of all the options, unfortunately for parks and rec staff I think that leaving the skate park in its current location is my least favorite because I think we need to do something for the rescue squad. It is clear that they need to expand and I would rather not have them leave the current location. I think it is an ideal location for helping serve the town. A couple of questions. I do have a couple of questions for Mr. Saghafi. I guess in this case, it would be Mr. Minchew. If you could come up for just a couple of quick questions. Like I said, I just have a couple of questions. I will try not to ask any questions that would be more appropriate in a closed session, but this letter that you sent today – I just want a couple of clarifications. One of the sentences in here is basically if the town council were to relocate the skate park to a different location, then Dulles Motor Cars would be interested in purchasing the skate park parcel for a cash fair market value price. That is correct? Then the attachments that you provided certainly implies in I guess it is the first attachment, attachment 1, labeled Catoctin Skate park parcel, that the fair market value of the land is approximately \$2.9 million.

Minchew: I would not concur that. Agree that is the 2015 assessed value.

- Butler: Alright. So any further questions would be better in a different setting, I would think. That is the only question I have. The other tidbit is the extra \$260,000. I believe that is the only question I have for you, so you could sit down. I'm sorry. The only other tidbit is the \$260,000 extra cost for moving the skate park. It sounds like a lot of money, but an actual fact - \$260,000 I calculated it using our most recent cost of borrowing money and that represents approximately

\$18,000 for twenty years. In discussions with the rescue squad asking the rescue squad to pay \$18,000 a year for the privilege of being able to expand the rescue squad building into the skate park area would be an easy discussion point with them. So, again from my standpoint the \$260,000 ends up being – it rounds to close to zero when you look at the entire enormity of the questions at hand. So, other than that, I don't have any questions.

- Burk: I have questions for Doug. So, you recently came in last time you came in, excuse me. You were asking for the entire site, but now you have looked at it again and you have decided – the rescue squad has decided that they can compromise and get less of the site. Am I correct on that?

Doug Skinner: Like we have said from the beginning we have been working with everybody to actually get some footprint of that site in which, again, that one thing that went around shows a little bit better depiction of what we need to do, about 10,000 square feet of land for the building and then more land for the parking piece and still be able to fit the skate park. The crew actually looked at that and they had a group of us that are the committee and they told us to negotiate for that piece if we need to, not to take the whole thing unless we really need to do it. I think right now, it doesn't need to be unless we really have to.

- Burk: So, if we were able to move the skate park, I think your depiction had it going back a little farther.

Doug Skinner: I think that right there, this is showing an extension over...this would be like in here with the extension over here and then this would be parking.

- Burk: And then it would be shared parking with the skate park and rescue squad.

Doug Skinner: It gives us a lot more parking than we had because right now as we were showing to Katie and Dave and I know the Mayor has been over and so has Marty, they have watched and seeing where some of them had to move their cars coming over there even in a regular shift. You go over there right now and it is packed and that is just crews. If we have a meeting, we are already trying to park in the gravel lot – trying to park I say because sometimes it is full at times and we end up parking also in the auto wash people – luckily they are closed. But they don't like that.

- Burk: So, Mr. Butler's assessment of the \$18,000 yearly, would that be something that the squad would consider?

Doug Skinner: Yeah, they have looked at that. We have looked a couple of things that we are willing to discuss, but [inaudible] with you guys what we have – talked to a couple and explained to you and a couple other people that we have a certain amount of money that is available for that process to discuss that lease. The \$18,000 or a one time lump sum up to a certain amount, yes.

- Burk: So, you'd be willing to discuss that further.

Doug Skinner: Yes.

- Burk: Okay, well I am really glad to hear that. I am really excited to hear that.  
Doug Skinner: Yes. That was approved at our board annual membership meeting.
- Burk: I think if we could work something out, that would be really...  
Doug Skinner: I like Dave saying \$18,000 a year. That's easy enough. A one time lump sum, I have a certain amount I can go to.
- Burk: I understand why you would want to use that property, but it is hard for me to think about giving up a park space, so if I could do anything to keep a park, that is where I am going to end up coming down on. As much as I understand your predicament, I have to be honest with you and tell you that I will be leaning towards doing anything to save the skatepark in that location. One of the things that I have a concern about moving it to Ida Lee is the lights. You know, in a month and once the time changes without any lights there it becomes – it becomes unusable, so I think for the maximum efficiency, we ought to keep it where it is.
- Martinez: Being the liaison to the Parks and Rec Commission, I want to first state their position. They do not want the skate park at Ida Lee. This is the third time we have come back to the council to tell them that we want the skate park to be where it is at, which is a central location. Kids, adults, whoever uses that skate park has a way to get to it via the trail and other things so their position is to leave it where it is at. Now, I am glad that we are back around to talking about the compromises the Mayor and I discussed with you months ago. I am glad we are back there because that is something I think we all could live with is keeping the skate park in the same location, but try to be good neighbors. I am looking forward to us coming up with some kind of compromise to keep it there like that. As Kelly said, it is really tough for me to give up any park land that we have. I was always adverse to selling any piece of property the town has which included this little pocket park we now have on Loudoun Street. So, I am glad that we are at this point again. I think we can work something out. We can be good neighbors to each other.  
Doug Skinner: That was what our members, board [inaudible] scooting the skate park over and leaving us [inaudible].
- Martinez: You know, I think one of the comments that came out of discussion with the parks and rec is that is floodplain behind there. But that doesn't mean that we can do something with it to make it – maybe put a couple of benches down there – some green, some grass maybe, a couple of trees and make it a place where the kids don't have to hang around there, but it is a place they can come back to and sit down and relax and you guys could too.  
Doug Skinner: I wouldn't want to be back there when the rain comes.
- Martinez: Well no.

Doug Skinner: We put boats in back there. We can show you pictures. That comes up a ways back there.

- Martinez: That would be one of the considerations, but they thought that might work. I will leave it to the experts to decide. I am not an expert on that kind of thing. So, anyway, that is all, Madam Mayor.
- Hammler: I too wanted to say thank you to Mr. Skinner, [inaudible] and Brian for meeting with us. They really were very helpful and its great to kind of physically go around the site and understand just the space limitations in terms of what you need to accomplish to expand the fire and rescue. Mr. Saghafi, I also appreciated your coming forward with your kind offer and willingness to come up with a win/win. No matter what happens, I think the town needs to address your very serious concerns about damage to your cars and trespassing issues. I know Dave has already done some math relative to what did come up last night which was that the rescue department may be able to come up with some contribution to offset any additional cost to rejigger and redesign the site on the existing parkland to accommodate their expansion needs so I look forward to figuring out the best forum for doing that. I won't go into any more detail right now, but speaking of that financial aspect, Mr. Skinner, can you just comment on what you said last night. It was verified that there was [inaudible] but the town charter and just a related point in terms of an ongoing relationship about the liaison function.

Doug Skinner: Last night we discussed that at one time there was a thing in the charter that required a rescue department for part of it. I went and looked but the change had occurred. Dave, as I mentioned there was an update. At one time in the charter, it did have the fire and rescue people as part of the charter that they were the fire and rescue partner for the town. That was before the county system and before they did the recharter. But, I think part of that was the liaison piece. We do get a good large chunk of money from this town. Our primary mission is this town. Our charter specifically mentions Leesburg and the surrounding areas. That is why we put Leesburg on our ambulance. Although we are called Loudoun County because of our history – we started out in Hamilton, covering this area and Hamilton and then we split. We kept the name Loudoun County. We basically have been here 52 years at the same location, just that what you see now over there is a big version. It was a two stall garage and a very small area and it has grown to this. We have had multiple expansions, but what I was saying about the liaison thing to Ms. Hammler was the factors of your giving such a large chunk of money to us and our board and we are one of the few in the county, but most [inaudible] the auditing. We are very efficient in what we do. Our auditing process and we make sure that we get audited yearly. [inaudible] department to deal with that. Our board works similar to what you on the council [inaudible] group of almost \$800 to a million a year business group, nonprofit.

And we run it efficiently on that and having a liaison from you will actually see where we spend our money and how we spend our money. Especially the money that you guys give us. I will tell you that we have been taking that money, putting it into an account process and it buys ambulances to make sure that every year there is a new ambulance bought. There is five ambulances. Every five years there is a new ambulance. That is why we do it that way. The rest of the money, we budget throughout the year. It is a matter of our culture that's why [inaudible] but the charter did change.

- Hammler: And we did get the updated verbiage from Section 16-21, which simply points out that you are the enforcement agency for the town. But for the record, that is different. We don't have any other not for profit that we have fiduciary responsibility for that is even mentioned in our charter, such as the Loudoun Museum. Just wanted to state that for the record. So, a couple of just follow-up questions for Rich. Just would appreciate the power point because I know a number of us have to be interacting with [inaudible] board members. Also, given that this is in the crescent district, why did we assume that the parking was going to be up front on the street. I thought one of the main things we have been trying to create is an environment where parking is behind structures.

Staff answer: When we were looking at this, we were looking at it from a functionality design. I would have to defer that to Ms. Berry Hill for an answer for that. I know she is not here right now.

- Hammler: I'll let you answer the question. I was going to say at some point I am assuming that if the site stays where it is on Catoctin, we will be reevaluating how to lay it out based on anticipating the expansion needs of the rescue department, but I would hope that will be taken into account.

Staff answer: We would not be following any other rules than what any other developer would have to follow in the crescent district area. So, we would work with Planning and Zoning to make sure that we were in compliance with that.

- Hammler: Very good. So from my personal opinion, as of this evening, I understand that this question is going to the school board finance committee tomorrow. I will be bringing under new business the request that a staff member attend that meeting, but of course anyone else from Council is able to attend tomorrow afternoon. Increasingly just getting information back from staff and other sources that it is probably a fair assumption that it will be a long process to get an answer from the school board, but it would be helpful that staff clarify that we understand that they have a 10 year plan, but is there any opportunity in a more streamlined process to accommodate our request for this renovation, not presumably if we renovated again in 10 years. But let's see if Council agrees to send staff tomorrow. If that assumption is correct that it will take a long time for the school board

through its existing processes with master planning and budget cycles to even get us an answer, then I would agree that the skate park should stay on this site given the direction about not putting it at Ida Lee for a number of reasons, not the least of which, it is not a central location and I do fully appreciate that we need to address the fire and rescue department's expansion needs on the existing site. So, that's how I am looking at this right now but did appreciate that we do need to, if we get to that point, follow-up with the rescue department relative to its contributions to offset the additional cost to do that undertaking.

- Martinez: Rich, if we were to make a decision tomorrow. Let's just say some fantasy where we were to make a decision that stuck, tomorrow, would that increase your timeline in getting the park done?  
Staff answer: It would increase my timeline by one to two months. We are looking for an answer by early September, or it will increase it by a month.
- Martinez: So, right now, if we give you the answer in September, then you could – I guess when would the park be open if I gave you the answer today or tomorrow versus...  
Staff answer: If you gave me the answer today, you would probably be look towards the middle of August 2016 that we could open the park. If you waited until early September, you are looking at early September 2016.
- Martinez: Does a month make a difference to you guys? I know I personally would just love to go and just vote tomorrow and get it down in stone. I mean, I think that is a good compromise and I would love to bring that forward. But, I don't think I will have Council's support. I would love to bring that forward under new business.
- Mayor: We actually do have a place on the agenda tomorrow night for action on the skate park issue. So, think about that.
- Fox: My first question is for Rich as to why the central location of the skate park is such an issue here. I keep hearing this is a great place because it of its central location. I am just wondering and curious why you'd keep this use separate from the other uses that we have, the other amenities that we have at Ida Lee. Why does the parks and rec want to keep the skate park central and the rest of the amenities over at Ida Lee. I don't understand that and I'd like to have that addressed.  
Staff answer: The skate park is currently operated as a manned facility, so we do have the supervision over there. So, it is not necessarily benefiting from all of the parks staff that are constantly within Ida Lee. So, it does have its supervision already in place. When we talk about a central location, we are referring more to its central location within town, it's immediate accessibility to the W&OD Trail, which can be accessed from various portions throughout town. It just provides basically a more central location for folks to get to within town. It is a more walkable location. It is a more bikable location than the Ida Lee site.

- Fox: When I listen to the gentlemen who are in favor of having the skate park [inaudible] it is a regional attraction that attracts people from all over the place. I am wondering if this is the best area for a regional facility, the way that they are talking about it or is Ida Lee [inaudible].  
Staff answer: If we are talking of regional draw, Ida Lee obviously is a larger facility, so it could accommodate more people, but as this park is envisioned and what it is budgeted for being a 12,000 square foot facility, there is only a finite number that it can draw. It does not have – will not have a huge draw. There would be folks that would come from different locations to utilize the facility, but it would not have such large attendance draws because of its size and the nature of the park.
- Fox: I guess I have a question for Mr. Saghafi. During this whole process, we have been told that Dulles Motor Cars has to deal with issues and inconveniences because they are neighbors of the skate park. I was wondering if you might be able to expand on that and let us know what he is experiencing as a neighbor to the skate park. I don't think I have the entire picture. I know that I have heard some things here and there about how his property has been treated by folks who have decided to go ahead and cut through his property to go to the skate park. I just wanted to know [inaudible].  
Mr. Saghafi: I took some pictures. Unfortunately, she cannot see but the rest of the council members can. I took these pictures today. We have an issue with everything. They walk through the cars and two to three hundred cars drive through my lot every day. Customers, vendors, and you know, [inaudible] and these kids are walking, bikes, or skateboard right through the property. Plus you [inaudible] because what are you going to do with a ten year old kid? Plus the damages, scratches and stuff on the cars. Sometimes we get vandalism and we never, in 25 years or whatever, said it. The question I had is what is the reason that, you know, the council members think the skate park where it is, in a highly commercial site with 10,000 cars driving through every day is an ideal location rather than taking it to the park, which is safer and there is a lot of other stuff there for the kids to accommodate. The issue of the lights, I can understand. If you need lights when you move it to Ida Lee, if you move the location to Ida Lee because [inaudible] what is the issue with the lights? We cannot put lights at Ida Lee?  
Staff answer: No sir. You could place lights in Ida Lee. It would just be our recommendation that lights not go at that site since that site does not have any other lights other than the roadway lights. It is not a lighted portion of the park. The concentration of our evening, lit portion of the park is on the other side of the recreation center.  
Saghafi: So you could add lights?  
Staff answer: You could. Yes.  
Saghafi: But you didn't show the cost.  
Staff answer: It would be \$30,000.

Saghafi: Right, so that would be added to the relocation of the skate park. So, basically all I am saying – I have interest in that property for now to get my employees to park their cars there so I won't have an urgent necessary need for it; however, I can see the rescue squad folks, their cause is a lot greater than what I do. That doesn't mean what I do is worthless. You know, I've got employees and people. I serve thousands of customers. But their job, their work is much precious than what we do, so we should consider that. The other thing, before the Council members make a decision, which I will respect, whatever the decision is, with your conscience, think about if something happened to one of these kids. One of them gets run over by the cars, either in my lot or the Catoctin Circle. That would be something you would never forget. We would never forgive ourselves. So, I am not here to try to speak for myself. I am a businessman. I will find another investment somewhere else. As long as I can go to the bank and get a loan, I will find a property and I will do whatever accommodates to my needs, but just for these kids' safety, I would definitely consider moving the skate park.

- Mayor: Suzanne, did you pick up on Mr. Saghafi's remarks.
- Fox: I picked up on most of them, I believe. Thank you for that. I just had a few last things I wanted to say. After taking at all the components. I have been looking at [inaudible] public safety with our rescue squad, which is significant and something that should be a priority for us. I have been taking a look at the fact that we have a skate park that sets between private business and the rescue squad and it is not collocated with other recreational facilities, which I see as one of the problems especially when parents want to take kids to all different places. I see a private business that is having issues with inconveniences to his property [inaudible] that he wants to keep an eye out for the kids who are coming to his property, but also it has proved to be an issue for him. So, taking a look at all those things wrapped into one and taking a look at the offer that he, Mr. Saghafi has extended, I just see a win/win/win situation here by moving it to Ida Lee. That's just my personal opinion. I think any extra [inaudible] costs can be taken care of [inaudible] offer that has been made. I think that our public safety issue will be addressed by considering this offer and I think we should move the skate park to Ida Lee. Those are my comments.
- Mayor: I would favor moving the skate park to Ida Lee for reasons to accommodate the rescue squad as well as Mr. Saghafi's business needs and saving the taxpayers of the additional cost of potentially the entire cost of rebuilding the skate park. I do think having seen a lot of kids running across Catoctin Circle to go to that Convenience market, it is not a really safe place for kids to skate. Having it at Ida Lee, of course is going to move it away from some of the population that wants to skate, but it moves it closer to other kids that want to skate board, so I

think it is a wash on that. I do want to see us move forward with a decision one way or another as to where we are going to rebuild this. I appreciate the compromise offer by the rescue squad. I think that's helpful. I do appreciate Mr. Saghafi's offer, although a particular sum has not been attached to it. Fair market value would more than cover the cost of the some \$750,000 that will be required to rebuild it another location, even if on the same site. But, I could see this going to September. I am hoping it won't go past then. If we vote tomorrow night, I would certainly vote to move it to Ida Lee. The other advantage to Ida Lee is right now, the skate park with its very limited parking is a drop off area. If you move it to Ida Lee, you can have one child skate boarding and you can have the other members of the family using the other amenities that are at Ida Lee, so it makes it a much more family friendly atmosphere than the one that we currently have, but we do have this on the agenda for a vote tomorrow of one sort or another and I would anticipate we would hear from other folks tomorrow night. I really appreciate everybody coming out. Rich, do you need anything else at this time.

- Hammler: May I ask just a question, because I appreciate all of the points that you have made and they were the exact ones when I sat down with Rob Fulcer, the chair of the parks commission thinking and going through the same logic in my mind but the other aspect of it moving and the potential of accepting Mr. Saghafi's offer is expanded parking in the Crescent District which is not calling for that type of use. I just wanted to know what your thoughts were on that.
- Mayor: As to whether we want more parking in the Crescent District?
- Hammler: That would be, if I am understanding you correctly, when you were doing the math in terms of finding the funds for offsetting the additional cost that would be based on accepting Mr. Saghafi's offer or were you just anticipating that we would go to market with some offer whereby we would be able to provide the land that the fire and rescue department needs but would sell the rest of the land. In other words, what I am really trying at – are you okay with a parking use in that district, expanding.
- Mayor: All right. There is currently a fair amount of parking in that district. One might even say it is predominantly parking uses in that district. Mr. Saghafi has touched on the possibility and there has been some minimal back and forth between Mr. Saghafi and staff about putting a parking garage that appears to be an office building on the Dulles lots to try to comply more closely with Crescent District design guidelines. I believe it is not something he is financially prepared to do today, but when I asked staff what they thought of that about a year ago, they viewed that potentially favorably. You did have a grandfathered use that needs parking in that area. It is a business that hires about 100 people. So, if you want to look at business needs throughout the town, some businesses are going to require more

parking spaces than others and how they accommodate those parking needs is, you know, a question we will have to look at in the future, but there are different approaches to it. If he, at some point, is willing to put a parking garage that looks like an office building and maybe has store fronts that look like retail in the front, that apparently would accomplish what the design guidelines for that district do, but I don't think unless he corrects me, that he is quite there yet.

- Butler: I have another question for staff, if you don't mind. What would be the best process to get to some numbers with Mr. Saghafi? Would we need a closed session to discuss? What's the right way to get there?

Staff answer: Well, let me start off by saying that in order to sell even a portion of the property, you have to have a public hearing and six of you – three quarters of the town council must agree. So, six of you have to agree. I don't know what you were thinking about tomorrow night, but whatever you want to do, it can't happen tomorrow night. You could certainly have an initiating resolution.

- Mayor: Let Dave ask the question I think he is going to ask.
- Butler: So you are saying we can't sell any property from the town unless it is 6 out of 7?

Staff answer: 6 out of 7, three quarters of the members elected to the town council.

- Butler: That is new information that I don't think we have heard before, so if you could shoot us a reference on that, it would be great.

Staff answer: It is 15.2-2100.

- Mayor: Barbara, when you said we can't do anything tonight, I think you were just referring to we cannot sell.
- Butler: No, no, no, I'm not interested in selling. I am just wondering what the process was because I think that the Mayor brings up a couple of good points. You know, my favorite solution isn't necessarily to move it to Ida Lee or move it anywhere other than the other side of the lot, but I think that we might have a fiduciary responsibility to the residents to find out what this offer actually is, number one. And number two, if we keep the, you know, the skate park on the lot, but just move it to the right, it is definitely going to be a negative for his business because currently half of the lot is being used for parking. If we ended up accepting his offer, whatever it ends up being and he turns half of it into parking and the other half into a rescue squad, we will have increased the auto use downtown, because what it is currently used for is parking. So, I think it is something that we should explore. It is not going to be \$3 million, I understand, but it is going to be something south of that, but I don't know how far south. If it is not very far south, then that might be a very interesting proposal, because not only did we pay for a skate park, a really kick butt skate park somewhere else, but we have perhaps money left over to do other things that are on our list and all that. It could potentially be a win,

win, win. I am not sure that it could be but I think that we need to explore it and I just don't know what the process is.

Staff answer: any discussion you would like to have could be in closed session. That is an exception to the public hearing requirement in the state code. So, you could talk about the sale, the fair market value, in closed session if you would like to.

- Butler: Fine. So, you are saying that should be the next step.  
Staff answer: I would think so, yes.
- Dunn: Let's see. I had a couple of questions. Now I lost it. If we do enter into a sale, does that have to be an open process?  
Staff answer: Yes, it has to be a public hearing.
- Dunn: Well, I mean, do we have to open it for sale to the public?  
Staff answer: No. You can have a private sale. Only for a long term lease, do you need a public hearing and a bidding process.
- Dunn: Then the other thing is for staff tomorrow night if you can come up with maybe rescue squad even has this – I would like to know of anybody who has been hit by a car in that area. If there has been any injuries, people crossing the street in that area.  
Doug Skinner: We have a camera out front.
- Dunn: So, right now there is none that you know of.  
Doug Skinner: There hasn't been many at all. We would know. All [inaudibles] we have been to the park.
- Dunn: Well that's understandable and the park is right near the W&OD, correct?  
Doug Skinner: Right on the other side of us next to the [inaudible] is the W&OD trail.
- Dunn: Which is a regional amenity, correct?  
Doug Skinner: Yes.
- Burk: Well, I think you answered my question. We can sell it to a private individual without advertising it to the public. We don't have to open it up.  
Staff answer: You have to have a public hearing – no matter what you do. You have to have a public hearing, but during that public hearing, you could have a private sale. You do not have to have a public bidding process. Six of you must agree, since it is a park. There are different rules for parks, or waterfronts or wharves, special property that is owned by the town. You must have six votes. Council Member Butler, I didn't tell you that before because we were concentrating before on whether you could sell it privately or not. You could sell it privately, but no matter what you do you have to have six votes because it is a park. You didn't need six votes for selling property to Loudoun Water or to the DVP – actually Loudoun Water, it was waterfront, but DVP, if you recall we sold it privately for their substation. You didn't need six votes. It wasn't parkland, it wasn't waterfront and it was a private sale, if you recall.

- Martinez: Mr. Saghafi, a couple of questions. Do you have no trespassing signs posted?  
Saghafi: No.
- Martinez: I understand your concern about the kids and not wanting to do that, but they have to be taught. There has to be signs and there has to be a police presence there, at least initially to get them to understand that this is something that is not allowed. It is just not. I think before you can use that argument, you have to do some due diligence of putting up the no trespassing signs. You have to ask the town of Leesburg for help in enforcing those no trespassing signs. I guarantee the kids [inaudible] that they are going to tell everybody do not go through that used car lot. You may not want to have a reputation of being that way.  
Saghafi: Yes, exactly.
- Martinez: The kids, they get over it and most parents understand the need to do that, so I don't think you will have a bad reputation. As a matter of fact, I would much rather you have that [inaudible] because if it was my kids doing that I would much rather you have that there in that if you have a police presence and say just not be the bad guy but be hey kids you can't do this. Try it and if doesn't work then you have a real big issue.  
Saghafi: I did have it years ago and then new construction it was trespassing was for everybody, not only the kids. People, they see construction, or they see something different, they actually walk in. We are doing a remodeling now and I had to close the whole showroom on one side because people just walk in to see what's going on. Now, I do have signs there, but I did have signs back in 2013 and the kids were still coming. They actually went into the building and use it as a [inaudible]. They were playing and jumping. It was hard to try to explain to a 10 year old. The parents shouldn't let them walk through the car dealership.
- Martinez: I don't disagree. I don't disagree with that at all.  
Saghafi: So, if the parents don't pay any attention, I don't want to be the bad guy and press charges or call the police.
- Martinez: I am not asking you to press charges. What I am asking is do a little education – do a little trespassing sign. Have a reason and have the town of Leesburg help you to do some outreach. I will tell you, most parents will say thank you because the last thing they want their kids to do is to go through a parking lot, go in between cars and next thing you know is a car backing up over on them. Those are the kind of things, I think not having a no trespassing sign might be a detriment and not educating the neighborhood and those neighbor kids to not trespass might be a detriment in the case of an accident. So, I think you [inaudible] aside from the skate park, putting that aside. I am talking about the safety of the kids, keeping your property protected, I would like for that to happen whether this skate park goes through or

not because these kids do need to know that is behavior that is not acceptable and it is more of a safety issue than it is anything else.

Saghafi: Right, that is a good suggestion and as you see this picture, every time these kids come on the lot, I told my staff just follow them through – make sure nothing happens to them. So, is it an inconvenience, yes. But the safety of these kids, to me, is most important. I don't want something to happen to one of these children.

- Martinez: Well, I think if you get the town to help you with the we are here, this the way you can't do it. We will get the word to most of them. There is always going to be the two or three that you aren't going to reach, but most of them will abide. I know that – when my son was a skateboarder and we found out there was immediate consequence. But, that was me. I mean there are some parents that won't, but I think for your own safety, doing that kind of thing.

Saghafi: That is a good suggestion. I appreciate it. I really like it.

- Martinez: That's aside - this doesn't have anything to do with the skate park as much as protecting you and protecting the kids.

Saghafi: Naturally for liabilities, it is better if I have signs.

- Martinez: And it is better too, I think, have the town participate a little bit so that people can show you did your due diligence to protect those kids from coming onto your property.

Saghafi: I don't think that is going to resolve the issue 100%.

- Martinez: Not 100%, but it might get rid of enough that makes it tolerable.

Saghafi: It only takes one child.

- Martinez: I know. I know. Believe me.

- Mayor: Question for Doug. Doug, one last question from me. We have received a slew of emails from members of the rescue squad and supporters of the rescue squad as well as skateboarders asking that we move the skate park to Ida Lee. Do you think those folks still feel that way? I know the squad is trying to come up with a compromise.

Doug Skinner: We did a little of the work [inaudible] it has been trying to do what we could to get enough space. I sat at this – up at the skate park when Spohn Ranch did their thing – myself and Tammy [inaudible]. We listened and she had actually [inaudible] the skate people, they want to make it bigger for the future. Some of them even want it to be able to make money [inaudible] to do that. We did the history of it and [inaudible] cannot make the money to pay for that [inaudible] they even said that to make it more feasible. I can't speak for everybody. I know for the rescue squad, we have been trying to work with whatever trying to make sure we are still feasible at that footprint. We don't want to lose the individuality that we have between everything. We are one company. If we have to move off of that spot, we are not going to be able to afford the \$20 million process. It is going to be turned over the county and then we have to go live in one of their stations they own and we live in a place right now that we

own. We run it. Because we are part of it. If we do that, our process changes. It could affect a lot of us. We are trying – for our community, we are trying to keep the volunteers going as volunteers. A lot of places in the county, that hasn't happened. There are other things, like in Purcellville. Everything went into a county building out there and they have lost their individuality process and they are having to pay rent or lease for their [inaudible] so we don't want to have that situation and continue to provide the same service – we would be on our own property.

- Mayor: Okay, thank you very much. Well, we do have a place reserved for a vote tomorrow night. Obviously not a vote to sell or not to sell, but a vote on whether to move it or keep it where it is. So, Council members, any further questions before we move on?

c. H2/East Market Street Plan

Susan Berry Hill presented the item, which had been requested by Council Member Dunn, to update the H2 Corridor guidelines.

Key Points:

- Guidelines were initially adopted in 1990.
- Council convened a steering committee in the 2006 time period to come up with suggestions for updating the H2 guidelines.
- Recommendations were made to Council; however, town planning staff has not had time to work on this project.
- Staff now recommends looking at this in two different parts – East Market Street area outside of the bypass and then to look at the corridors inside the bypass.
- Form based code deleted the section of the H2 that is within the bypass – now covered by Crescent Design District requirements.
- North King Street is almost completely built out, therefore, other applications on North King Street outside the historic district are unlikely.
- H2 Design Guidelines do not pertain to residential properties.
- South King Street has several properties that would be covered by these guidelines.
- West Market Street corridor is mostly residential.
- Question is whether work on updating the guidelines should be accelerated in the Planning Department's work plan.
- Land development caseload is heavy at the time.

Council Comments/Questions:

- Dunn: I didn't have anything on this to say. No, you wish. Okay, I'll try to be fairly brief. One, I don't want the plan sped up. I want it removed. Here is why. We have the ability to replace anything that we are doing with the H2 with Form Based Code, if we needed to. I think

that a couple of initial steps would be remove the BAR from the H2 review, if you were to continue with the H2, meaning the reviewing of projects. You could actually almost immediately extend the east market street guidelines to what is that – what is the development – what is the road out by Wegmans?

- Mayor: Russell Branch, Crosstrail Boulevard?
- Dunn: Crosstrail, yeah. You could extend the East Market Street guidelines out to Crosstrail. You could extend them down to King Street south. There is basically nothing going to be built in H2 west, nothing built H2 north, as you already mentioned, so the need for having H2 in those areas is nonexistent. You have already got half of the H2 already covered in the East Market Street plans out to the bypass already and the BAR in the past has actually requested that a second BAR be established just to handle the H2 at one point. That did not pass. I have talked to a number of BAR members and they don't have any love lost for being out of the H2. If you had to have anybody review it, you could have it much like the East Market Street plan is now being reviewed by the Planning Commission and if you look at the practicality of what has the H2 gotten us since the late 80s, or was it early 80s? If you go lot by lot down Market Street and you say what has this gained us in historical aspects, you would be hard pressed to say, you know I really see a major difference here versus other places in northern Virginia. The only example that Brian tends to bring up is it saved us from lava rocks at some restaurant a long time ago. Remember the lava rocks. Everybody remembers the lava rocks. It protected us from lava rocks, but those days have passed, so my recommendation is we can save staff a whole lot of time. I think the H2's time has passed. I think we have other functions that can step in and be used to replace it and actually have probably better results. I think if we had instituted a better form based code that truly looked at the form of the structure and not get wrapped around the axle about some of the other aspects, but really just looked at the form of the building, we would have better results, but I think the mechanisms are in place already for us to get where we want to be as far as the way we would like our town to look – the way we would like our gateways to look and I would really recommend just going through the process at this point, which would be much streamlined and remove the H2 as a category and replace it with East Market Street guidelines and have that reviewed by the planning commission.
- Butler: The staff report was very good. It really helped me with my understanding of everything. I am not sure I am enthusiastic about completely eliminating the H2, although I do agree with a whole lot of what Tom said. I have never thought that the H2 outside of the bypass on East Market Street was a whole lot helpful. It is not an urban style place and all of that. I certainly would have no problem having the H2 become administrative because I think, again to Tom's point, the

differences of what we have seen – the guidelines that the H2 has don't make that significant amount of difference of making things historic. It just – yeah some things that have passed have definitely passed, should have passed, but they are not historic in any way. So, unless we are really going to go through an enormous effort to change the guidelines to be more meaningful, I am not sure that is a good use of anybody's time. The biggest areas – the areas that would count the most are the two areas that is not going to have any effect anyway, because they are built out and the area that we changed to form based code anyway. So, the other areas down King Street south and Market Street – east Market Street outside the bypass, I just don't have a lot of energy around having those be historic, so if there is something simple and easy that we could do that would reduce a whole lot of effort by everybody, I am all for that.

- Martinez: My concern is taking staff time from other things they are doing to take care of this. I have no problem coming back and reviewing what should or shouldn't be in the H2 district, whether we should have it or not. I think that is a discussion we should have. I may not necessarily agree with the comments, but I still think it is a suggestion that we should have. I think a lot of depends on what staff can afford to do.
- Fox: No comments. I tend to agree with Dave and Tom [inaudible] and I can't see any downside to that.
- Mayor: I would just say I would have no problem eliminating the H2 in certain parts of town because I suspect that might be fairly light on staff; however, I have a feeling with then talking about replacing it with some other overlay, then we are just going to be imposing on staff further, which I don't think we can do at this point, so this is not certainly my top priority at this point given how much work staff has that we have made higher priorities already, but I think there are, looking at the committee's recommendations, I think some of those are very good recommendations.

## 2. **Additions to Future Council Meetings**

Council Member Butler: Two quick things. One, I just want to remind Kaj can we set up a time to talk with what we need to talk to about remote participation? Remote participation – the technology around remote participation. I might have Suzanne's vote for it. I understand that right now the IT group is fighting some stuff, so its not like tomorrow morning, but this is not – it is not good.

- Dentler: We have an RFP that we are almost ready to issue out – we have a framework of the scope of work we want, get an RFP confirm what our cost may be and then you may see a budget request coming forward, because we totally agree that it is unacceptable as it is.
- Butler: Okay, just wondering if there might be a really low cost solution. We could have a few hour conversation with the IT guys, so if you

want to do that, it is great. It is not always a requirement of a large bureaucracy and RFPs and other things, but it is your call. The second thing is I would like to see if there are at least three other Council members who would like to have a very probable brief closed session tomorrow to discuss Mr. Saghafi's potential offer for part of the skate park. I think there are some questions that are better asked in a closed session and perhaps if we did have a closed session maybe we can find out from them what the numbers actually are or going to be or what their initial offer is or something else so we have something to talk about. Because given all the criteria and the pros and cons going back and forth, I think it is at least something the Council should talk about.

- Mayor: Barbara, we don't have a number yet from Mr. Saghafi. What are you thinking that session would accomplish? Perhaps the Council trying to say, okay well if we were going to sell the property, we would not want to sell it below a certain amount. Is that where you are thinking of going with that?

- Butler: That and also some potential – clearly it is not just a simple – potentially it would be a simple sale by us to Mr. Saghafi, but if he did then he would be breaking into the two halves and combining and the BLAs, and that kind of stuff. I think there is some opportunity for the town to do this – at least split the thing in half tomorrow. Half of it is a parking lot. Half it is not a park. Half of it is clearly a park, half it is not a park. But right now, it is only one lot. If we split it into two lots, would that make a difference and would it help one way or the other if we were the ones – I know that Mr. Saghafi would get a tax write off if he donated half of it to the rescue squad, anyway I think there are just some considerations that I think would be some thing that we should kick around, or we may find out there is a majority of council that has no interest in selling it regardless of the price. So, I think that would be useful and at least then we could do that. In fact, if we had this before, maybe before the meeting tomorrow, then it might give us more of an opportunity to vote tomorrow. Does that make sense?

- Mayor: Yeah, I think I understand where you are coming from. A lot of the decision making points on our side – I am not sure they would be appropriate for closed session. If we were discussing how much we believed it was reasonably assessed at, I could see that being in closed session but whether there are the votes on council to sell it or not, that might be better in open session and then since we don't have a price from Mr. Saghafi, we don't have everything we would need to work with, but I think the fundamental question you are right to point out, if there aren't six votes on Council to sell the property, then that discussion probably isn't going to go anywhere. We can see tomorrow whether there are enough votes to move the skate park to Ida Lee. The discussion then, over whether to sell the property, or give it to rescue at no cost, that is something that is probably a whole other discussion. It doesn't have to be considered tomorrow night. I am just trying to think of what would be appropriate for closed session and what wouldn't be.

- Butler: Yeah, I guess here is the conundrum. If we just voted tomorrow to move the skate park to Ida Lee for instance, I would vote no. But

hypothetically if Mr. Saghafi came in and said, Okay, look, I'll buy that lot for the assessed value, okay? I might vote differently. So, that's why I'm just trying to see if there is some way we could get a number and discuss it before we talked about everything else.

- Mayor: Barbara, where would you come down on trying to decide what we could discuss in closed session and what we should not?

- Notar: So, I'm thinking, the state code, the exception for the open public meeting requirement talks about – and my computer isn't working so I can't quote it verbatim, but it talks about you can go into closed session, if you chose to discuss the purchase, selling or acquiring of personal property so that you can discuss your negotiating position. So, you don't hurt your negotiating position. So, today, the closed session would be predominantly for the price. So, without the price, it might be premature. We could discuss other things such as whether we are interested, whether there are the six votes and there is an inclination to sell, but the main reason for a closed session is not to jeopardize your negotiating position, for the us staff to give you what we believe the price is. That, to me, is your main reason to go into closed session.

- Mayor: Do you believe that town staff would be ready tomorrow night to give the council what they think the price will be?

- Notar: We are.

- Burk: I don't like the idea of going into a closed session. I like this all to be done transparently so that everybody knows where we are. I think we need to see whether you've got six votes and I am not sure you do.

- Martinez: I am against closed session.

- Hammler: I am anticipating we don't have six votes.

- Fox: You know, I will do what it takes to move the process forward. I am not a big fan of closed session. If we can do things out in the open as much as possible, but I would be for moving the process forward.

- Dunn: I would rather not go into closed session and I think too in a situation like this when we have one buyer, the negotiation aspect of it is very narrow. Also, I would like to bring up one other question – along these same lines. It was my understanding that we had agreed to a process with the skate park when we made the budget and we had kept it within a certain time frame and we were supposed to have certain answers done within a certain time frame and if not, that the staff was supposed to be moving forward with the skate park at its current location and I was actually surprised to hear from Rick tonight that is not happening. What? Rick, it's like Jack and John, whatever. My company changed my name to Tim on some stuff the other day. So, I am actually surprised that we are even delaying that. I didn't know where – I guess we can make those changes, but I didn't think we made anything official. I think that we had already voted on the direction that this was supposed to be heading. Somehow, we have ended off course.

- Mayor: Not yet. The thing was that if we wanted to stay on course, we would need to tell staff tomorrow night whether we wanted to change course. If we don't want to change course, if we just want to rebuild the skate park on its current footprint, then no action is needed at all, but if there is a majority of

council that wanted to move it to Ida Lee, then tomorrow night would be our last opportunity to do that and not delay the project.

- Dunn: I think the course part of it was it seemed like there was a date that we had set that we wanted staff to hear back from the school board by and if we had not heard from them, we were supposed to move forward. That was my understanding. What was that date? I believe it was June something.

- Dentler: You gave us 30 days.

- Dunn: And so here we are well past that. Am I okay on that, Marty?

- Martinez: I am with you 100%. It is called being dysfunctional and changing our minds a half a dozen times. I think you and I both agree, when we make a decision, especially when it is budget time, unless there is some disaster, maybe we should [inaudible] it just doesn't show functionality.

- Butler: First, I would just like to mention, folks you can't negotiate anything – any kind of a sale on anything without going into closed session. So, by saying you don't want to go into closed session, is the same as saying you have no interest in selling the property. You just can't do it. That's why we don't have a price yet, because we are not doing the process the way that it is outlined in the state code. You can't be afraid of those kinds of things. It is normal. I had a question for staff. As I mentioned, the lot is basically half of it is a park and half of it is parking but it is only one lot. If we cut the property into two halves and half of it was the skate park and half of it was the parking lot, would that still fall under the six vote rule?

- Notar: I would think so because it is one parcel used as a park.

- Butler: But if we cut it into two parcels and one was being used primarily for parking by a car dealership free of charge and the other part – so it was two parcels and one parcel was being used as a skate park and one parcel was being used as a parking lot by a car dealership, then why would we need six votes to sell the one half.

- Notar: I would have to think about it. You bring up a good point. Maybe that could be done. I don't know.

- Dunn: It would have to be recorded, first of all. It is not recorded at the courthouse as two parcels.

- Notar: It is one parcel, so you could subdivide it. Possibly, okay. But you would need six votes for the one parcel.

- Butler: But we wouldn't sell the one parcel, we would just give it to the....

- Notar: That I would have to look up. The state code says sell. So, to convey, to give away, I still think you might actually need six votes for that too.

- Butler: That's fine, I am sure we could get six votes. If we did all that we could get six votes to give half of it to the rescue squad. So, the question is is there four people on council that would be at least at all willing to sell half the property and move the – maybe we will just find that all out tomorrow night.

Council Member Burk: I had a question. I am really surprised. This is our minutes from the last minute. I know we voted on something. But I thought we voted to do these kind of minutes only for one meeting. Have we changed it so we are now doing detailed minutes?

- Dentler: The clerk changed it to that format because before it was more of a summary of what Council discussed. Council member will often call and say this is not what I said or I want this said, etc. and so it gets difficult to manage. So, you either have a very generic summary of what is discussed or you need to do something more along those lines and that is where have been going. Yes, it is more work. When council members do call us and ask individual – like I didn't say this or I want this clarified or this should not be attached to me, staff is put in a quandary of difficult position. So, we moved to and it is more work.
- Burk: I can't imagine how long this takes. You've got everybody's exact words.
- Dunn: It is all on the tape.
- Hammler: I would support having that discussion going back to the way it was. It is just that has been for a while now. It was a clerk's decision and I had even brought it up when it first started happening and I noticed it had been changed arbitrarily and Council hadn't even been given a notice that it had been changed.
- Dentler: However you want your minutes done, we will do.
- Burk: This might be worth a conversation. It is not something that has to go on tomorrow night or whatever, but it might be worth – I just need to see someone, but anyway, then I had a request from someone and I am not asking this. This is a request from someone who questioned whether we should look at the historic district and doing away with it and I think it is based on the courthouse discussion and that person wondered if the council was – what would be the advantages of it and so should we have a discussion on the historic district and whether we should keep it.
- Mayor: Is this the same – is this Jordan Estrada who sent an email to the Council? His was much more limited but along the same lines.
- Burk: No it wasn't.
- Dunn: I have no desire to discuss that. No way.
- Burk: I said I would bring it up.
- Mayor: Now, are you asking that it go on a work session for discussion?
- Burk: Well, I assumed let me see we have had two people already say no...
- Dunn: You have everybody saying no.

Council Member Martinez: I just would like to – let me know if I was out of line by offering to plan to help Mr. Saghafi with his trespassing problem [inaudible] help him with that.

- Dunn: Trespassing, Marty, it has to be a complaint and I don't think he wants to be in the complaining mode.
- Burk: For liability, I am surprised he doesn't have that on there for his own protection.
- Martinez: But, if he does call and complain, we should help him enforce it.
- Dentler: We would do whatever we can.
- Martinez: I offered that because I think for his sake and anybody [inaudible]. I don't, unfortunately sad news, my mother in law is ill and I may need to [inaudible] to see her tomorrow. I may have an emergency reservation for 11 o'clock. I will let you know ahead of time.

Council Member Hammler: [inaudible] but a couple of things I did remember from new business is I did want to officially request and I don't know this is news flash how we can do it now because it is tomorrow but have staff attend the school board finance committee meeting to represent the town and answer any questions about the skate park, because they will be looking at that. Okay, just wanted to make sure that I wasn't assuming that staff was going without direction. The second thing is I had asked but was not able to suspend the rules about a resolution to streamline the courthouse process. That would be something that I would want to bring up for a vote. Whatever I am officially allowed to do based on bringing up under new business. I don't know when I could automatically have it on the agenda for a vote, but I know....

- Dentler: My advice is I am not sure it is necessary at least at this point. Our staff has already met with the county staff in great detail on process to expedite the review. We are way ahead of the county as far as our preparations to review. Compliments to our staff. The county has already passed a motion or resolution that asks in a joint meeting between one or two members of the board and one or two members of the council that when we review what we are going to do which we will be prepared to do in the near future, not very long from now, which is no problem. So, I think one side is known to both bodies and your comfort zone probably is reached. From the staff perspective, we are ready to expedite everything we can. I think if you hear out whatever it is our plan is, then you may decide what your action might want to be.
- Hammler: One thing I would appreciate is when it is coming up under any agenda, that Council sees the agenda itself so that if need be, we can try to figure out if that agenda can be modified legislatively given that, you know, at the BAR with it taking three hours before the item just came up. So, you know we have good land development

streamlining, but just in terms of legislation, legislatively what we might be able to do, you know customer friendly.

- Dentler: Whenever joint meetings are possible, etc.
- Hammler: And on my last item, which I already mentioned the email. So, Council has received dozens of emails in the past week about Le Tache, specifically, and we are aware of other jurisdictions that classify stores like Le Tache as a use subject to a special exception under the zoning ordinance and therefore allow this use in limited areas of the jurisdiction. While this may not address the present situation, it may allow Council more focus in the future if staff investigates the possibility, which they said they would be able to do under their batch zoning ordinance amendments scheduled to come later this year. So, I was hoping to get...
- Notar: I'm sorry, and I was mistaken about that. Chris Murphy reminded me the batch is for minimal changes to the zoning ordinance. He said something like this would not be part of the batch. It would be scheduled separately.
- Hammler: Okay, then. That actually might kill two birds with one stone because I was going to request given that it was going to take that would be part of a batch amendment, another year, so I would be requesting a work session topic on it and the added benefit of that is for Council to transparently discuss the issues as well as communicate more broadly given the number of emails, there may be other questions in the community given that we have the strictest anti-obscenity ordinance and what the town attorney's review is based on state and federal laws, that we can update the community on the commonwealth's attorney regarding section 24-20 and if there for instance need to be signs associated with the age restrictions and just the issue of the grandfathering and so I would request a work session.
- It was consensus to have this work session scheduled for the September 8 work session.
- Dunn: If I could get, what we talked about with the H2. If I could just get a memo from staff as to what would it take – it is more or less administrative, I know there are probably some public hearing processes, but actually what would it take if the H2 were replaced with East Market Street guidelines. We kind of passed it off as there were people that were interested in seeing that done, and then but well we don't want to do a lot of work load, but what is that work load. How much work is actually involved in that? If I could get a memo on that, it would be nice.

Mayor: I have two issues. I think I have alerted everybody to both of them. The Exeter Homeowner's Association wants to discuss – and they may be here tomorrow night to ask us to do the following, which is to put on our September 8 agenda a decision about whether we want, as a town, to take over financial responsibility for bringing their stormwater management pond into TMDL

compliance. I would be happy to ask for a work session at the first meeting in December.

- Hammler: I would support that, Madam Mayor and definitely look forward to the town attorney's detailed guidance just based on several discussions I have had.
- Butler: How time critical is this?
- Mayor: They are under the gun. I mean, they are talking about \$10,000 per home to come into compliance with the TMDLs and they have already been approached by, I believe, higher authorities than us to do that. They are viewing it as pretty critical.
- Notar: It is not the TMDLs, Madam Mayor. With all due respect, it is new regulations regarding their dam. TMDLs is different.
- Mayor: They were under the impression TMDLs were involved.
- Notar: This is something that has not been discussed with the town council before – dams. I don't think.
- Mayor: So, it would be for a work session the first opportunity in September.
- Butler: Yeah, I think we are going to have a really full agenda then, so my preference would be to push it to October, if it doesn't affect timing, because it is not at all clear that this is anything to do with the town at all. So, if it is not related to TMDLs or any other regulation that the town is involved in – could we get a memo maybe in September and then figure out if this is something that we need to address.
- Mayor: Well, we have got support for work session, but I would expect staff to have a memo in conjunction with that.
- Hammler: To Dave's point, it would be helpful for the town attorney to interpret your guidance to us based on what you have seen from the Exeter Board. Because, at least the way it has been presented to me, it is almost as if they feel that it is black and white – that it is a town issue, not an Exeter issue. So, as soon as possible getting that memo would be very helpful.
- Notar: I could certainly do that. Because it is late, I am getting confused. So, when would you like the memo.
- Mayor: If we are going to discuss it at the first available work session in September, which is the 21<sup>st</sup>, is that what I am hearing? Certainly by then.
- Notar: Oh sure. No problem.
- Mayor: The other item is we may have the organizers of the Pakistani and Indian Independence Day festivals coming in tomorrow night requesting a fee waiver. I think I put a memo out to everybody on Council explaining their situation. I would like the indulgence of Council to be able to take that issue up. I am not asking that you tell me how you want to vote, but just that we be able to vote that request up or down since their festivals are this weekend. They are the 15<sup>th</sup> and

16<sup>th</sup>. Do we have the support of the majority to take this up for a vote tomorrow night.

- Dunn: Do we have the ability to suspend the rules and vote tonight?
- Hammler: How much is the fee waiver?
- Mayor: Well, we don't know what they are going to ask. They are looking at \$1500 for expenses for two police officers. Let me tell you what I told them. I said generally anything above \$500 is going to make Council Members think a bit harder than something \$500 or less, but they should feel free to ask for what they want. I have also warned them that Council does not always agree even to a \$500 fee waiver so they should not count on that. Their concern is based on what happened at a similar festival in Manassas. What happened in Manassas was that there was a fight that broke out at one of the festivals down there and they feel that having a police presence at these festivals would discourage that kind of behavior and also make the attendees feel safer.
- Hammler: Is this overtime or the police are already on duty.
- Dentler: It is overtime.
- Hammler: So, it is out of the general fund.
- Martinez: [inaudible]
- Mayor: We don't know what they are going to be asking in dollar amounts.

There was consensus to suspend the rules, if the request is made at tomorrow night's meeting.

Council Member Fox: I have one that I alluded to a couple of weeks ago about the zoning ordinance and [inaudible] zone. I wanted to bring it back up because I think I didn't make myself clear when I said that there was a business that wants the zoning ordinance amended to relax the standards for telecommunications antennas in the area. So, I thought I would ask for a discussion by council members at a future work session and at very least an informational memo.

- Mayor: Barbara, do you think you can put together an informational memo for all of Council on where we encourage cell antennas, where we discourage them?
- Notar: Certainly, it would be in conjunction with Planning and Zoning, since it is in the zoning ordinance where we do and where we don't. And that was another council member Fox, I mistakenly told you any change could occur in the batch. Once again, I was wrong. This is not something for the batch. If the Town Council wanted to amend the zoning ordinance to expand the areas for these antennas, it would have to be a separate item, not in the batch. But, yes, I could do a memo and I will get with Planning and Zoning and we will explain where these things are allowed.
- Mayor: Suzanne, does that meet what you need?

- Fox: I believe it does. If the memo turns out to be insufficient or insufficient information, just something that is not useful, could it go to a full discussion?
- Mayor: Yes, it certainly could.
- Fox: I guess we will go ahead and start with the memo, if it is productive.

**3. Adjournment**

*On a motion by Council Member Martinez, seconded by Council Member Dunn, the meeting was adjourned at 10:43 p.m.*

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Clerk of Council  
2015\_tcwsmin0810

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

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

**Council Members Absent:** Council Member Martinez. Council Member Fox participated remotely.

**Staff Present:** Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Parks and Recreation Richard Williams, Director of Plan Review Bill Ackman, Director of Planning and Zoning Susan Berry Hill, Director of Public Works and Capital Projects Renee Lafollette, Deputy Director of Parks and Recreation Kate Trask, Deputy Director of Public Works Charlie Mumaw, Assistant Town Manager Tom Mason, Assistant Town Manager Scott Parker, Library Manager Alexandra Gressitt, Chief of Police Joseph Price, Police Captain Karl Maupin, Police Captain Vanessa Grigsby, Senior Engineer Nate Ogedegbee, Senior Engineer Anne Geiger, Senior Management Analyst Jason Cournoyer, and Clerk of Council Lee Ann Green

**AGENDA****ITEMS****1. CALL TO ORDER****a. Electronic Participation for Council Member Fox**

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

***MOTION 2015-012***

*I move to allow Council Member Fox to participate in tonight's Council Meeting electronically.*

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Hammler, and Mayor Umstattd*

*Nay: None.*

*Vote: 5-0-2 (Martinez/Fox absent)*

**2. INVOCATION: Council Member Butler****3. SALUTE TO THE FLAG: Mayor Umstattd****4. ROLL CALL: Council Member Martinez absent. Council Member Fox joined the meeting electronically after the vote to allow her participation.****5. MINUTES****a. Regular Session Minutes of July 14, 2015**

*On a motion by Council Member Butler, seconded by Council Member Dunn, the regular session minutes of July 14, 2015 were approved by a vote of 6-0-1 (Martinez absent).*

b. Work Session Minutes of July 28, 2015

*On a motion by Council Member Butler, seconded by Council Member Dunn, the work session minutes of July 27, 2015 were approved by a vote of 6-0-1 (Martinez absent).*

**6. ADOPTING THE MEETING AGENDA**

*On the motion of Vice Mayor Burk, seconded by Council Member Butler, the meeting agenda was approved after adding an item addressing the fee waiver request after approval of the consent agenda, by the following vote:*

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

*Nay: None*

*Vote: 6-0-1 (Martinez)*

**7. PRESENTATIONS**a. Proclamation – National Payroll Week

On a motion by Council Member Hammler, seconded by Council Member Butler, the following was proclaimed and presented to Carrie Hovell, representative of the American Payroll Association:

## ***PROCLAMATION***

### ***National Payroll Week***

***September 7 – 11, 2015***

**WHEREAS**, the American Payroll Association and its more than 21,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

**WHEREAS**, payroll professionals in Leesburg, Virginia, play a key role in maintaining the economic health of Leesburg, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

**WHEREAS**, payroll departments collectively spend more than \$15 billion annually complying with myriad federal and state wage and tax laws; and

**WHEREAS**, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

**WHEREAS**, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax

withholding systems; and

**WHEREAS**, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

**THEREFORE, PROCLAIMED** by the Mayor and Council of the Town of Leesburg in Virginia that the week in which Labor Day falls is proclaimed National Payroll Week in the Town of Leesburg.

**PROCLAIMED** this 11th day of August, 2015.

- b. Proclamation – Commemorating the 90<sup>th</sup> Birthday of Russell Baker  
On a motion by Council Member Hammler, seconded by Vice Mayor Burk, the following was proclaimed:

## ***PROCLAMATION***

***Celebrating the 90<sup>th</sup> Birthday of Russell W. Baker***

August 14, 2015

**WHEREAS**, Russell Wayne Baker was born August 14, 2015 in Loudoun County, Virginia; and

**WHEREAS**, Mr. Baker’s career as an essayist, biographer, and journalist spanned many decades and included such works as the nationally syndicated column “Observer” in *The New York Times*, which was awarded the Pulitzer prize in 1979 as well as regular contributions to many well-known national periodicals; numerous books such as the Pulitzer prize winning autobiography, *Growing Up* (1982), the sequel, *Good Times* (1989), *An American in Washington* (1961), *No Cause for Panic* (1964), *Poor Russell’s Almanac* (1972), *Looking Back: Heroes, Rascals, and Other Icons of the American Imagination* (2002), and anthologies of his various column; and

**WHEREAS**, Mr. Baker went on to become the host of the iconic PBS television series *Masterpiece Theatre* in 1993; and

**WHEREAS**, through his long and storied career, he enjoyed the love and support of his wife, Miriam Emily Nash (“Mimi”).

**THEREFORE, PROCLAIMED** by the Mayor and Council of the Town of Leesburg in Virginia that Russell W. Baker, and his wife, Mimi, are congratulated on the celebration of his 90<sup>th</sup> birthday.

**PROCLAIMED** this 11th day of August, 2015.

- c. Presentation – Leesburg Crime Report – Chief Joseph Price  
Chief Price reported on the most recent Leesburg Crime Report.

Key Points:

- Crime Report is released quarterly.
- Provides a snapshot of crime statistics at a particular point in time.
- Violent crimes and larcenies are trending downwards.
- Number of officers per thousand residents is also down.
- Leesburg has the least number of officers per resident of any northern Virginia jurisdictions.

- d. Presentation – Department of Environmental Quality Stormwater Report  
David Bulova, AMEC, presented the Town's draft Chesapeake Bay TMDL Action Plan.

Key Points:

- Action plan is required under the Town's MS-4 Permit.
- Plan must demonstrate how the town plans to reduce its levels of phosphorus, nitrogen, and sediment from its 2009 baseline levels.
- Plan must reach 100% reduction over three five-year permit cycles.
- Initial 5% reduction plan must be submitted to the Department of Environmental Quality (DEQ) by October 15, 2015.
- Any reductions over 5% will carry over to the next cycle.
- All new development must be Chesapeake Bay neutral.
- The Bay Model will be recalibrated in 2017.
- Next step includes receiving public comment on the draft plan and submission of the final plan to DEQ for approval.

## 8. **PETITIONERS**

The Petitioner's Section was opened at 8:43 p.m.

Sandy Grossman, Exeter Homeowner's Association. "I am going to be joined tonight by Mr. [inaudible]. I am before you tonight as the president of the Exeter HOA. I have been faced as a board member, as the leader, with a very unique legal situation. It started when we received a letter back in September last year from the state of Virginia from the Department of Conservation and Recreation's Division of Dam Safety advising us as one of 300 some odd communities in the state that our stormwater management pond, which we thought was below grade, was a dam. Not only was it a dam, but it is a hazard dam because we are adjacent to a very major road. This started us in a whole set of quandaries that resulted in engineering studies and exploring documents. In particular, as worked out a legal issue. The deed and the plat with the town of Leesburg for the easement has some very interesting words that have created a very unique challenge for us. I am here tonight to ask you and the council to please hear us and I am joined by our legal counsel to present the situation and request for resolution. It is a legal issue. It is not an environmental issue. It is not financial. It starts with a legal dilemma for us because we cannot move to comply with the state if we do not own something.

Bruce Easmunt, Chadwick Washington, representatives for the Exeter Homeowner's Association. We previously provided a memo to the Council through staff which I believe was distributed. I have distributed additional copies this evening. I encourage you all to review them. They will have more detail than I am able to provide in my five minute brief presentation, but I would like to provide you with a brief summary of the association's petition based on that August 5 memorandum. By way of brief background, back in 1990, the town and the developer of the Exeter Community each entered into a deed of easement that granted certain stormwater management easements to the town which were among other things for purposes of installing, operating and maintaining stormwater management facilities. Now, the plat that is attached to that deed of easement, which I have provided in my memo, has a note on it and I have highlighted that on your memo as well. Plat note number 4, says that this entire parcel "W", which is located within the Exeter community consists of a stormwater management easement or storm drainage easement. When we look at the operable language – the plat is [inaudible] deed of easement, there are two specific provisions of particular note. The first says that "all lines, channels, inlets, structures, and appurtenant facilities which are installed in the easements and rights of way shall be and remain the property of the town. Of more particular note on the very last page of the deed of easement, the operable language states that the owner, which was the developer of Exeter, grants and conveys in fee simple all appurtenance and facilities located within the above sanitary sewer, storm drainage and water easements of the town. That is a very specific and clear conveyance of an interesting title to those facilities which are installed again in that entire parcel, which is itself the storm drainage easement. We have done some additional research looking at neighboring communities within the town and we have been unable to locate any deed of easement drafted contemporaneously or some time after the Exeter deed of easement that has this fee simple conveyance language, so this is a very unique issue to Leesburg. It appears that the original intent of this document was for the town to actually own and operate not only the dam structures or the inlets and outfall structures, but the stormwater management pond itself. For that reason, it is our argument that if it is not pre-[inaudible] if the town does decide to acknowledge its ownership rights in these facilities, there is no precedence established as there are no documents [inaudible] as this deed of easement as far as we can tell in our land records. It is also our position that this is not a precedent issue or that the town should agree to acknowledge its ownership rights because this facility itself does not exclusively serve Exeter. By our estimation based on some engineering reports, it appears that only 1/3 of the water that these facilities serve come from Exeter. The remaining two thirds appear to come from surrounding developments and also town facilities. We are not asking the town to accept ownership of new facilities. We are asking the town to acknowledge its existing ownership rights which do date back to 1990. With regards to the association, Exeter and the town have had a very long standing positive relationship and that is why we are here tonight; however, I have advised my client of their fiduciary duties with regards to association funds and expending those funds on structures and facilities, they in my opinion, that I have given my client, do not own. So, I have given them the opinion that they cannot then expend those funds to maintain this dam without arguably breaching their fiduciary duties, spending the funds of their association members for purposes not in their purview. So, the board really has no choice but to seek clarification of this issue from the town. In sum, we are respectfully petitioning the town to do two things. The first of which is to acknowledge the ownership of these facilities, the stormwater management pond, the dam and the appurtenances related

thereto based on the language which is very clear in that 1990 deed of easement. The second thing we are petitioning and requesting is for the council to direct staff to maintain and operate these facilities accordingly with regard to that ownership. I have prepared and submitted a draft resolution and respectfully request that the Council approve this resolution at the Council's September meeting. I yield the rest of my time for questions – although I don't have any more time. I thank the Council very much for your time and consideration this evening.

Council Comments/Questions:

- Dunn: Seeing how this is a legal issue it is probably best to let town legal counsel take a look at this before we get into too many discussions this evening.
- Butler: For staff, if I recall correctly from yesterday, we do have this on work session for September.  
Staff answer: We do.
- Burk: I agree with Tom. I don't have any questions right now.
- Hammler: Thank you all for coming this evening. We appreciate it. I agree that we are bringing this up under a work session, but my understanding is that the town attorney will be providing a memo before that work session with your guidance on this. Then, just as a disclosure, I am a resident of Exeter and several others of us on the dais are as well, but may just disclose that it as we have our discussions.
- Fox: No questions at this time. I agree with Tom and Kelly that this should be taken a closer look at by Barbara.
- Mayor: Mr. Easemunt, Mr. Grossman. You know where I stand. I agree with your position. We will be taking this up in September at a work session on the 21<sup>st</sup>, because we don't have a work session at the first meeting in September. At that time, if you all – one or both or all of you would like to join us at the September 21<sup>st</sup> work session, we will meet at 7:30. My recollection, and I don't know, Mr. Grossman, if you were just doing an estimate, but that potentially if Exeter were to have to bear the full cost of this, it would be a charge of possibly \$10,000 per home in Exeter?  
Grossman: I don't have any figures – not something we are in a position to calculate yet.
- Mayor: If you can be in a position to calculate at that time, it would help Council understand the potential magnitude of this obligation, but your understanding right now is you can't do anything because you don't own this property. The town owns it, so you are in a real legal bind.  
Grossman: Yes.

Jan Fearing, 13404 Wilt Store Road. Communications Director at All Neighbors Group sponsored by Church of the Holy Spirit. The All Neighbors Group is dedicated to encouraging interaction and friendships between immigrants and established, are we Leesburgites or Leesburgonians, I don't know how to phrase it. We have a very big event – our biggest event of the year is coming up this weekend, August 15 and 16. We call it our India Independence Day Celebration on Saturday and our Pakistan Independence Day Celebration on Sunday at Ida Lee Park from 3-8 this weekend. We anticipate about a thousand to as many as three thousand international guests to attend that event. Several

local churches have worked together and have been working together all year on this event. The intention of it is to make new Americans of other faiths feel welcome here in the town. This event is paid for almost entirely by donations from those churches, about 80 percent of our total budget. We also receive donations from many Muslim and Hindu friends in the community – about 20 percent of the remaining budget, we hope to gain from ticket sales at the gate. Although we feel that there – we don't anticipate any security incidents at these events, we have come to feel that the guests would appreciate a sense of security that would come from having uniformed officers present. That is why we are here today is to ask you or to petition you to waive either the total or part of the \$1500 fee that we will incur for having two uniformed officers at the event for both days. It would help us tremendously if the town could assist us in that cost. This weekend is truly a unique event. I have been involved in this for many years. I don't think there is another youth event like it anywhere in the country. But, as I said, we don't anticipate any troubles at all. Just to give you a few brief stories from our event last year, we had Pakistan Independence Day. We were – all the volunteers wore t-shirts that said "we love Pakistan". I had a dear Muslim lady come up to me and she had tears in her eyes and she just said I didn't know any Americans loved Pakistan. We ended up – I start crying. She was crying. We were hugging and that kind of interaction just went on and on throughout the day. It was a wonderful day. We had about 500 guests last year. So, the event last year had a 100 percent positive response. I think it was huge for this community. We have a huge international community here in Leesburg, praise God. My husband invited a local guy who runs a local mini-mart and he is from Pakistan and said, you know, we are inviting you. We want to honor your country. The guy was so excited. He was like we want to donate pizzas. We want to donate sodas. I am going to invite all my friends, all my family to come, but I want you to know this is my country now. It has just been this opening up of interactions between neighbors, so we are here tonight again to ask you to consider waiving some of the fee that we would incur for having the police officers there, which would be about \$1500. If you could waive any or all of that, we would appreciate it. Thank you.

Ilyas Masih, 117 Halifax Place, SE. First of all give me permission, I want to thank you so much the last year for your participation in the Pakistani Independence Day [inaudible] and our international citizens, they enjoyed the program last year and they enjoyed the Leesburg town beauty and how we love them. So, this year we received the very best positive response to be more proud to make a more colorful program in Leesburg town invite our international friends and family so they can enjoy the Leesburg town and see the beauty here and we hosting the Indian and Pakistan Independence Day this year and we are looking to have a more international citizens peoples coming. We want to give them nightly peace, so we are looking for more security so they enjoy the program with family and friends and children because America is a unique country in the world. We show them the love. A lot of countries do not have that much heart and we have [inaudible] and I am proud of that. We have a heart to be loved everybody and feel home here. So, that is my goal. I am not just the director of the All Neighbors, but also a representative of the Leesburg town so I want when the international friends and families coming here, they can enjoy and feel home here. So, I am requesting you please help us and support us so that we can bring more people so they feel home here. They enjoy America. God Bless America.

Andrew Borgquist, I am here speaking again on the issue that I have come and spoken on numerous occasions about. So, I actually had an opportunity to speak to Ms. Notar, the town attorney, yesterday and we had a little bit of discussion. I appreciate her taking the time to speak with me. I just wanted to ask her a couple of things I was curious about regarding [inaudible]. So, basically one of the things I want to kind of touch on tonight, is the idea that some of the things I have been mentioning bringing to Council regarding an employment action that I believe represents something that the Council potentially needs to address as an issue of management as an issue which deals with the fact that there is a certain way things should happen. So, it has been mentioned to me not only by the town attorney, but also by Mr. Williams who I had a brief conversation with prior to this right now – this meeting, which is that you know it is my opinion, which I understand that and you know the idea that there is a certain objective reality that has to be addressed and you know so we can look at, we can say that well you know in my opinion, this is green. In your opinion, this isn't green, but at the end of the day, we come up with objective ways of kind of looking at situations so in that particular instance, the color we can say well the electromagnetic radiation coming off of this – if it is between this certain, you know, wavelength then we will call that green. So, we do the same thing for social situations, which this is not just my opinion. There is actually an objective criteria that we can apply to this situation and come to a conclusion of what happened was it merit based employment, was it something that the council should address and it is something that management should address so when we look at it from an objective standpoint we can see that there are certain criteria that were maybe potentially not met. And that is the discussion that I have wanted to have with Mr. Dentler, the town manager. That is the discussion that I would love to have with Mr. Williams – would come join me in the meeting. [inaudible] anybody can – I will talk with anyone. Not a problem and so let me address some of these objective things that I, you know, just want to point out. So, let's start with the first thing when I have kind of tried this up for the council which is clearly the reason I have been coming and speaking here is because I spoke up on a prior occasion and ultimately I have already hinted at it numerous times so I guess I might as well go ahead and you know fully speak about what it is that happened. I was terminated from the Town of Leesburg. I was previously an employee for over 14 years – about 14 and a half years, but a little while back I was terminated from my employment with the town of Leesburg because of an incident in which I had spoken up about something I felt was a concern within the town. It can be objectively shown that I was terminated for that speaking up because if you take out the speaking out of the concern that I had, you can show it objectively and based on other cases [inaudible] like I said this criteria that you can look at that it would not have happened. It would not have happened this way. But I did speak up so then what is it about what I said that was so problematic for the town. You know, I don't see what that is and I have tried very, very hard to have a discussion with town management, you know the people related to this like why was this such a problem? Let me point out a couple of things that did occur that showed kind of an objective way of looking at it that it wasn't a merit based thing that happened or just that so I had had a conversation, a disagreement with a Town of Leesburg police officer, which ultimately maybe shouldn't have been that big of a deal, but it did end up being a very big deal. Part of the reason it was a big deal was because Mr. Price had alerted Mr. Williams to the fact that I had a disagreement with a police officer and so that is, you know, like I said something that happened and potentially there were details that were shared on the incident of which I had

no knowledge at the point at which I had a meeting with Mr. Williams. Mr. Williams did not share those details with me so I had no knowledge of what was going on. Then ultimately the decision prior to even speaking with me and he was not seeking to speak with me. He made it clear that the meeting was just a courtesy. He was not seeking to have my side of the story about the disagreement that I had with the police officer. In fact, the decision to dismiss me was made prior to that meeting, and yet in the meeting Mr. Williams will tell you that you know the decision wasn't made – disciplinary action wasn't – he has an email to Mr. Wells two hours prior to the meeting saying that he planned to move forward with dismissal. Sorry, my time is up so I try to talk fast to get it all within five minutes and sometimes I just can't. But anyways, so yes, there is objective things that could be discerned from this, that it is not just my [inaudible]. This is something that is important and should be addressed.

Tony Mino, 706 Evard Court, SW. I am chief Tony Mino from the Loudoun County Volunteer Rescue Squad. We were here about a month ago, I believe now to present Loudoun Rescue's plans, our proposal, our thoughts with regards to the skate park, our expansion into some of that area and where we wanted to go. So, I don't want to rehash all of that this evening. We have talked about that a few weeks ago, obviously. I did want to acknowledge though that we have had a number of discussions since then both with council members collectively – we have met with Suzanne. We worked through the work session last night. We met with some of you individually and talked through a number of different options available. So, I wanted to come here tonight and express our gratitude for working with us and coming up with options that we think will potentially work for all of us. Back to our motivation behind all of this. As we learned from the presentation a few weeks ago, we as a rescue squad, our business is community service. So, we do that now. We do that 2015. We want to continue doing that into the future. We are landlocked where we are so to continue doing that into the future, we need to grow and we need to expand. So, that was our desire behind the proposal we brought forward. And likewise, we want to work with the town and with the skaters not to displace them. [inaudible] as well. So, my reason for coming here tonight really is two fold – to acknowledge that a lot of work has gone on in the last two weeks – the last month actually – specifically the last two weeks to get us to where we are at and collectively I hope we can find a solution that benefits us as a rescue squad and community service as well as the skaters.

Rob Fulcer, 309 Whitney Place, NE. I have been a resident of Leesburg since 1998. Council Member Hammler I am sure your mind is moving. I did move away for a couple of years, but I loved Leesburg so much I kept an apartment here [inaudible] my wife and kids would probably be back which they did. So, I kept a place here the whole time. I have been a resident of Loudoun County since 1972 and a member of the Parks and Recreation Advisory Commission for 13 years. I only mention this because this is the first time in all my years that I have ever come to the dais to speak on a topic. As the chairman of the Parks and Rec Commission, I take the responsibility – and our commission takes it seriously but at the same time, we realize we are volunteer advisory commission. We serve at the pleasure of you, the council. All we have had to do in the past was to provide insight, perspectives for somebody else. The skate park has come to us three times. In all three cases, we have voted to keep it in its footprint. There have never been any dissenters on any of our commission members. So, everybody who is on this council who has a rep, has felt

the same way. We have even moved new members on – junior members and at our last meeting they were very vocal. They didn't even know all the history. With that being said, first it can never be our intention to ever disrespect the distinguished fire and rescue. Second of all, Mr. Saghafi, I frequent your place, so obviously, there is no intention there either. Just a quick little fact on the foundational principles that we have on the parks and rec commission and our time together. First, we have never been in favor of selling land. It is an asset that we have in our control. They are not making any more land. When Mrs. Symington graciously gave us her grant years ago, some might recall that our first goal was not to build a water park or the tennis facility, it was to buy additional land between Tuscarora and Ida Lee. That is how important we felt land was. Also, we believe one of our foundational principles on the commission is that we are stewards of the park. Okay? When the Rust family granted us the land, they didn't simply talk about certain things except basically a path through the park that could not go through. One of our biggest concerns is after we put the water park in, the tennis facility in there, we did take a lot of heat from the people of Exeter. We have attempted – what we don't want is to become Kings Dominion. One of the things that concerns us, is every time a topic comes up, first [inaudible], anything like that – let's just dump it into Ida Lee. Let's just dump it into Ida Lee. We are like the catchall but we are trying to keep some passive nature there too. One of our other reasons we have been postponing, trying to keep it in the downtown area is for two things. One, one of the other big principles that the commission has always had is we are very big on trails and tying those trails together. Of course, some people say well I don't want to have to drop my son or daughter off there. We don't really want anybody driving anyplace. We want to have a place where we can park people through town, especially for people on the southeast. People on the northeast have come to us and said everything is over here – now we feel like we are being over populated – we push something there. So, the location of the park downtown, one of the reasons we felt to stay in that footprint is we could tie into the Crescent District. My own 23-year-old son, who just graduated from Virginia Tech, when he left four years ago, he said he would never come back to Leesburg. He couldn't wait to leave. He is now home and he doesn't think it's such a bad place anymore and that's part of the reason right there. I don't want to go through too much. Obviously we are concerned about cost. There are additional costs – not just moving it over to Ida Lee. Staff will talk about that. There are some additional. Lastly, I appreciate you taking the time. I hope you know no matter what is decided, whether we are disappointed or not, I think we have shown a track record on the commission and the wonderful staff that we will build a first class park no matter where you decide to put it.

Mrs. Brown : I really wasn't prepared tonight but, you know, unfortunately, [inaudible] my son, Eric Brown, [inaudible] in 1995, we both came to Town Council. He is in Hawaii and everything. Like he's been communicating with all of his friends or whoever, people on the parks and rec. We have been texting each other. Well, he texted me – says Mom, there is a meeting [inaudible] so I was like Okay, I'll go. He says Oh, you don't have to go if you don't want to. So, I texted him back. I said yes I am going and he said tonight in his text, he says thank you mom for all you did. That is what he said to me. [inaudible] thank you mom for all you did. I was like, but yeah, but thank you for what you did. And all I know is that he said that I [inaudible] one of the things he said was that he learned a lot about politics and about how the town council at the time, like he was kind of shocked of how they really wanted to help the kids to have a place to skate and you know, to be off the

streets. And if you like know he ultimately [inaudible] 1998. He volunteered [inaudible] go to the skate park and he would volunteer. I just know he has been emailing the council. [inaudible]. He has done all kinds of sports and he still does stuff now where he is living in Hawaii. [inaudible] even adults. [inaudible]. It is a nice location, of course, for the kids and I see kids there all the time when I drove past there with whoever I am with [inaudible] and I talk to a lot of kids at the school and [inaudible]. My son only wants to be able to come home to know [inaudible] he goes right there. He talks to the kids. He watches them. [inaudible] all the, you know, people they were interviewing up to how the skate park got built and I was surprised, he had a whole big box [inaudible] places he skated at [inaudible]. Thinking of the kids of the future of this county or the town. Yes, he has met a lot of kids that went to Fairfax, Maryland. He has friends from all over. [inaudible] to DC to skate. Thank you [inaudible].

The Petitioner's Section was closed at 9:17 p.m.

## 9. APPROVAL OF THE CONSENT AGENDA

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

- a. *Thomas Balch Library Patio Funding Appropriation*

### **RESOLUTION 2015-086**

*Approving a Supplemental Appropriation of \$12,988 from the Thomas Balch Library Building and Upkeep Fund for the Renovation of the B. Powell and Agnes Harrison Patio*

- b. *Approval of Art by Thomas Ramsay for Leesburg Town Exhibit Hall*

### **RESOLUTION 2015-087**

*Approval of Art Exhibit by Thomas Ramsay in the Leesburg Town Exhibit Hall*

- c. *License Agreement between the Town of Leesburg ("Town") and Shentel Communications, LLC ("Provider") for telecommunications facilities in Town Right-of-Way*

### **RESOLUTION 2015-088**

*Authorizing the Town Manager to Execute a License Agreement between the Town of Leesburg and Shentel Communications, LLC for Telecommunications Facilities in Town Right-of-Way*

- d. *Appropriation of Donation to the Community Outreach Program (R.O.C.K.) at Ida Lee Park Recreation Center*

### **RESOLUTION 2015-089**

*Approving a Supplemental Appropriation of \$385.50 Resulting from a Donation to the Community Outreach Program by the Leesburg Presbyterian Church*

- e. Safe Street Task Force Overtime Reimbursement Grant Appropriation for the Police Department

**RESOLUTION 2015-090**

*Approving a Supplemental Appropriation for a Reimbursement Grant of \$39,000 from the Washington DC Metro Safe Streets Task Force*

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

*Nay: None*

*Vote: 6-0-1 (Martinez absent)*

**10. PUBLIC HEARINGS**

- a. Amending the Town Code for Electronic Summons  
The public hearing was opened at 9:47 p.m.

Barbara Notar gave a brief presentation on the public hearing to institute an electronic summons system.

Key Points:

- Towns were given the ability to implement an electronic summons system during the most recent General Assembly session.
- Localities are now allowed to assess an additional \$5 in every criminal or traffic case in the locality’s district or circuit courts.
- Fee is used to fund software, hardware and associated equipment for the electronic summons system.
- Fee will be assessed by the courts.
- Electronic system will eliminate handwritten summons and associated human error as well as time spent entering summons into the court system.
- Citation data is entered at the point of activity and a paper summons is printed on the scene and given to the person charged.
- Transaction data is sent electronically to the Court’s case management system usually within 24 hours, which allows violators to prepay their fines promptly and aids the courts in managing their dockets while tracking caseloads.
- City of Fairfax, Town of Vienna, City of Manassas, and Loudoun County have all begun using this system.
- Will take 18-24 months to collect enough fees to purchase the electronic system.

Council Comments/Questions:

- Dunn: Unless, Chief, you really start jacking up the summons you issue, then you could pay for it faster. I am not encouraging that, at least not in my part of town, right Dennis? Just a quick question – will the individual receiving the summons get a paper copy of something on the spot?  
Staff answer: Yes, sir.
- Dunn: It is all just about how it is being filed electronically, then?

Staff answer: What will happen, on the back of your license is a barcode. There will be a scanner clipped onto our in-car computer. It will be scanned. That data will automatically populate the fields. The vehicles will also have a printer installed in them. The printer will then print out all the documentation - all the information necessary that is currently on an uniform summons and it will be handed to the violator. The electronic data key is pushed and it automatically updates our records management system and more importantly as Ms. Notar pointed out, it will almost immediately update the courts system, which from a customer service aspect, allows the citizen to go in and pay. It doesn't happen frequently, but often times enough that a person is willing to pay their fine on their summons, but the summons has not yet arrived at the court. So, there is a mismatch. This program will, hopefully, eliminate that. It will also allow the courts to better manage dockets because it is an immediate update.

- Dunn: Okay, is there a back up system for when the printer jams? It is inevitable. You will just go back to the handwritten summons? Then, also there is going to be an initial cost that is coming out of the department's budget. Was this budgeted for in the last budget cycle and if not, where are the funds coming from in the interim?

Staff answer: Our intent is not to purchase any of the software or the equipment. We will shop and determine the appropriate equipment and software that we need, but until such time as there is sufficient funds accumulated in the finance, I guess almost like a capital improvement project, we will not be purchasing it. So, we are not going to be purchasing it until we have sufficient funds collected to cover the costs.

- Dunn: So, you are talking 18 months. Or it could come in 12 months if we put it in the next budget cycle, we could cut off six months.

Staff answer: We are not looking to add to the additional cost to our taxpayers. The cost is being passed on to violators, so it is not going to be part of a budget request for additional funding from the department.

- Dunn: Do you know of a – for lack of a better term, return on investment in that it is a time saving function that officer's time is less spent filling out paperwork? It sounds like it should save time.

Staff answer: That should be a benefit. Yes, sir, Mr. Dunn. It should also create a safer environment because both the officer and the violator are – the time required for them to be on the side of the road lessens.

- Dunn: Okay. Alright, great. I think it's a great idea. Thank you.
- Butler: I think this sounds like a great idea. Thanks.
- Burk: Good idea.
- Fox: I think it is a great idea as well. I like the fact that the cost will be borne by violators and not by taxpayers. My only concern and it is a small one is that the capital will be held in an account for a future – we are talking 18 months. I just want to be sure that account is not touched. The money does stay in that account. I know there is sometimes a tendency to borrow from Peter to pay Paul sometimes and I wanted to know if there is any accountability there.

Staff answer: The department of finance is ready to set up a fund. The money initially goes into the courts system and they pay over to us.

Price: I believe that the law would prohibit us from using the funds for any other action other than this particular purpose.

- Fox: Okay. Well then I think it's a great idea.

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

The public hearing was closed at 9:58 p.m.

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

***ORDINANCE 2015-O-014***

*Creating Chapter 2 (Administration), Article IV (Finance), Section 2-166 (Electronic Summons System Fee) and Appendix B (Fee Schedule)*

*The motion was approved by the following vote:*

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

*Nay: None.*

*Vote: 6-0-1 (Martinez absent)*

**11. RESOLUTIONS AND MOTIONS**

a. Request for Waiver of Fees

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

***MOTION 2015-013***

*I move that we waive the fees for this event [India Independence Day Celebration and Pakistani Independence Day Celebration]— a one-time fee waiver of \$1500.*

Council Comments/Questions:

- Burk: This is a pretty new event. It started last year. This is only the second year they are doing it. There is a possibility there could be a lot more people than they originally thought so it sounded like they hadn't planned for having security, so it would help them out for this year. I think that is something we can do. Perhaps next year, they need to make sure that is part of their budget.
- Butler: I just had a quick question for the folks related to this. I just wondered how many people they expect to attend.
- Burk: They said 2000-3000.
- Dunn: I think they said 500.  
Staff answer: They said 1000-3000 over the course of both days.
- Butler: So, yeah, I support this as a one time thing. But I think next year so between 1000-3000. Let's say they had 1500 people attend and they charged \$6, then they could cover the cost of security. So, but I understand it is way

too late since it is this coming weekend. For this one time, I don't have a problem with it.

- Dunn: I don't have a problem waiving the fees, but I guess I do have a question as to exactly how many police officers are needed for this and two, and three and that's for – how do we get to \$1500 for three police officers. I know even my Arkansas math, I can figure out that is \$500 each, but I didn't realize it would cost that much.

Staff answer: Mr. Dunn, it is the number hours for both events. Initially when it went through the special events committee, it was determined they needed one for traffic control and then the organizers came back and requested additional police staffing for the internal security. So, you are looking at the two days, three officers for the number of hours the event runs and the only way to staff it from us is to bring officers in on over-time because in addition on this weekend, we have a major race that is already occupying 21 officers to support the race that is going on – a 5k and 20k.

- Dunn: So, the \$1500 is the actual cost for the three officers for that length of time. Okay, it seemed high, but I guess you know better. One other quick question – when there is events like this and they don't want additional staff, do you do anything extra knowing that there is an event in town that you have extra coverage in the area, or is it people work their normal beats?

Staff answer: It is the latter. As resources are available, we may increase the patrol around it, but without having dedicated resources specifically to the event, we can't guarantee that there is any additional coverage and what workload may happen during that same time period.

- Hammler: If there is 1500 people, how is Ida Lee going to accommodate the parking? Has that been worked out logistically from a planning perspective?

Staff answer: Our parking field will hold that.

- Hammler: Okay, so that has all been anticipated. Well, you've answered a couple of questions by handing out the flyer, because I was wondering if it were open to the public, which it is. All will be welcome, \$5 per person admission fee. Appreciate kind of how the motion has been framed relative to it being a one-time waiver and anticipating you know perhaps growing numbers of people. I certainly appreciate the tone that it is going to send relative to diversity and would certainly encourage us to make sure that the Diversity Commission is aware of this – perhaps they already are, just has not come up through that chain. And that it is also highlighted in the flyer that I see, you know, coming to, you know, enjoy great music, dancing, food, games, shopping and other economic benefits to the town. I will support at this time.
- Fox: I have a couple of questions. Madam Mayor, you indicated that the town – this is the normal practice to do fee waivers?
- Mayor: Yes, we have done them in the past.
- Fox: And so there is precedent for it. My only other question is does it get to be an expensive proposition if we keep doing it?
- Mayor: Of course. I mean there is – they are all cumulative. They all have an impact on our budget.

- Fox: My only comment would be I would be a little leery of waiving the entire fee. Just because of that, I can see where if we have done this before and we keep being asked to do it, it could be a drain on the budget and I am a little worried about that. I think that we weren't in that position, though, so at this point, you know, if we could [inaudible] from here to go ahead and make sure this is in their budget from now on, I guess a one time thing I wouldn't have much problem with.
- Mayor: I will be supporting this.
- Burk: I would just like – Kate, is there any way we could keep track of the actual numbers? Will we know by the end of the weekend, exactly how many people will be attending?  
Staff answer: As they get the people to pay at the entrance gate, there will be doing wrist bands, so they will provide us that at the end.

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 6-0-1 (Martinez absent)*

b. Skate Park Direction

Council Comments/Questions:

- Mayor: We do have an item for action, but there is some sentiment for deferring any vote. My hope was that we would vote tonight to direct staff to immediately start developing a skate park at Ida Lee but Marty is not here. He feels strongly about this issue.
- Butler: I would have no problem with deferring. There is just a small thing that I think might be helpful for probably the rescue squad. From listening to folks at the work session, it doesn't seem that there is a lot of enthusiasm to leave the skate park on its current footprint, but there seems to be a lot of enthusiasm that no matter which option we pick, that it would be moved at least far enough that the rescue squad will be able to get half the land. However, right now, staff is currently – there is a current resolution requiring staff to work on putting the skate park in the current footprint. Now, staff hasn't done anything on that in the last 11 days, have they? I think Tom brought up a good point last night that technically staff is violating the resolution that we passed earlier. So, just wondering if there is any enthusiasm on Council to just officially tell staff to look – stop working or don't work on moving or replacing the skate park on its current footprint, you know, until we make a decision one way or the other.
- Mayor: I could support that. Since I want to see the skate park built at Ida Lee, I could support directing staff not to go forward at this time with building it on its current footprint.
- Butler: It doesn't have any effect on whether we want to move on the current lot or move it to Ida Lee. We still at least – that might make the rescue squad feel a little bit better and also staff will not have to continue wringing their

hands and violating our resolution. So, I guess I would like to make that motion.

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

***MOTION 2015-014***

*I move to direct staff to not continue work on the current footprint for the skate park until a decision is made in September.*

Council Comments/Questions:

- Butler: I just think its harmless regardless of what we want to do with the skate park, it just helps staff and I think it helps the rescue squad.
- Mayor: Right now, we have not designated which September meeting, so theoretically, it would appear on the first agenda in September and then it could appear on the second, if we can't make a decision at the first meeting.
- Butler: I would expect a decision on the first meeting.
- Burk: I won't be here on that meeting date.
- Butler: Which one, the first one?
- Burk: I won't be here on September 8.
- Mayor: The trouble is, you know that could keep happening for months that we are down a council member. I think the sooner we make this decision, the better.
- Butler: Is there no chance of being remote?
- Burk: No, I won't be anywhere I can do that.
- Dunn: The only thing is I think it does clean up from our previous motion. I guess my question for staff is – is staff doing anything right now with the development of the park and would this motion stop any of the work that we are doing, regardless of where the park actually ends up?  
Staff answer: Currently, all I am able to do is just keep interested skaters informed as to what progress is going on. I do recognize there are a number of different site locations that are being discussed and so from a design standpoint, we are not making any progress at this point at all. We are not doing any work. Our consultant has not conducted any work other than gathering information and feedback through the Facebook page from our area skates as to what sort of elements they want.
- Dunn: Our consultant isn't going to be paid more during the down time?  
Staff answer: No.
- Hammler: I would just request if this is approved by Council that staff get an official update on what has happened at the school board committee relative to the discussion and you know, hopefully get it in writing versus kind of second hand information.  
Staff answer: I can tell you, Council Member, an email I sent out tonight – the school board committee did discuss it extremely briefly. There was generally no discussion. I can't tell you exactly what they did – Mr. Williams was there – but in essence, it died in committee or it sits in committee. There

is no movement, there is no direction. There is no action follow-up from the school board at this time unless they take it up again.

- Hammler: Okay, well that certainly gives Council an opportunity to follow-up and get more direction on that. I did have a question given that Kristen has specifically mentioned her personal view on where she would like to direct the location – what about the master planning process for Ida Lee. Is that an issue relative to making that decision, if it were to be moved by Council?

Staff answer: Within the master plan of the area that we actually have identified for the skate park to be located within Ida Lee, there is a parking lot. There is parking spaces, so there is a concrete area within that space, so we would have to go through formally adjusting the master plan to effectively reflect the skate park in that location; however, if we are given the direction that Ida Lee is the site for it, we can do that concurrently with the design work that would have to be done before the park could be built, so those two things could happen at the same time.

- Hammler: Okay. I will support the resolution. I think it also provides an opportunity for the community to be aware of the options that council is considering, certainly relative to those who have communicated a desire to move to Ida Lee.
- Burk: I won't be voting for this. I think we have dragged these people out long enough. I think we should get to some action tonight, so I won't be voting to support the postponement.

*The motion to direct staff to cease work on replacing the skate park on its current footprint until the end of September was approved by the following vote:*

*Aye: Butler, Dunn, Fox, Hammler, and Mayor Umstatt*

*Nay: Burk*

*Vote: 5-1-1 (Martinez absent)*

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

***MOTION 2015-015***

*I move to defer action on the skate park location until the second regular meeting in September.*

Council Comments/Questions:

- Dunn: I think that if we could, in the interim, we don't have a meeting in August, so that is why it is going to September and then we are hoping to get all of Council involved in this because it does sound like it is going to be some close votes and we would hate to have it being decided by an absent vote, but I think that in the interim, if we could get a few of the other issues that have been brought up, especially by the rescue squad as far as I would like to get more definitive answer on funding of the additional cost to move the skate park to another footprint, whether that footprint be one foot away or 100 feet away at Ida Lee or to the school grounds. Where is the rescue squad

officially on helping with the payment of that additional cost. So, if you want to address it now, that's fine, but I was just saying if by September, if you need to poll your team and get an official – but if you have an official now, that's fine.

- Mayor: Chief, before you say anything, I just got an email from a member of the Rescue Squad, she is asking all of us to please talk into the mic because she can't hear Tom.

Mino: I will reiterate the same thing I mentioned to Council Member Butler and Hammler Sunday night when we met with them. We have some funding that we could attempt to make available, but we would obviously need to go back to our membership and show what that funding would be used for to attempt to offset or defray costs of moving the park. I am not in a position right now to talk numbers, but there are options on our end as well.

- Dunn: And maybe if by September, if you can have that, that would be helpful in our decision – at least for mine.

Mino: One of the things we talked about on Sunday is let's see what those numbers would be used for – what those costs would be and balance it out with a list of how we could potentially offset some of that.

- Dunn: And then along with that for consideration is if it were moved to Ida Lee, how much of that property would be used then for the rescue squad because now it is all open and who would be on the hook for the additional cost of moving it to Ida Lee. Should the rescue squad pay the \$260 to move it to Ida Lee, or is that going to be taxpayer or are we going to seek the county on that? Again, where is the extra cost going to be absorbed by going to Ida Lee. So, if we could have that answer also by September, that would be helpful too.
- Burk: I appreciate the motion. This most certainly is important and I would like to be here for the vote. I wouldn't be opposed to having a special meeting – setting up a special date just for a meeting on this. If anybody else is interested, I don't know, but I most certainly would appreciate being here to vote.
- Butler: I suggest that maybe staff could come up with a couple of specific options like if we, you know, moved it somewhere it would be \$260,000 – what does that represent exactly as far as debt service, you know like per year for 20 years so my back of envelope calculations come up to \$18k. Staff, their back of the envelope, you know, rule of thumb said \$20k, what would it really be. Thanks. That would help, you know, what Tom said.
- Hammler: I had one quick question. The town manager mentioned that staff needed an answer by the 8<sup>th</sup> to stay on schedule, so what happens to the schedule if we vote at the later meeting?  
Staff answer: If it moves the current site, and you don't make a decision until after September 8 – then obviously we can't meet your original schedule in the budget; but what I have heard over the last few meetings is that Council is not as focused on that at this point. So, that's just where we are. We won't meet your original schedule, but that's okay – that is your process.

- Hammler: And my other quick question is if there aren't hypothetically seven members of Council and my understanding is we need six out of seven to pass a resolution to move something...
- Mayor: To sell it. Potentially even to donate it, we may need six votes out of seven.
- Hammler: So, it is six votes out of seven, so we would be required to have all seven members. It isn't a question of, you know, the proportional number of those who are present.  
Staff answer: Well, you could have six here but all six would have to – it has to be  $\frac{3}{4}$  of the elected governing body, so you would have to have six votes. If all six were here and voted yes, then you could sell or donate.
- Hammler: Of the governing body present or the governing body?  
Staff answer: Of those elected to the governing body.
- Fox: I have a quick question just as follow-up to Katie's question. The rules that Barbara just read, are those rules that the previous town council put in place or is that a state rule?
- Mayor: State law.  
Staff answer: Constitutional and state law.
- Mayor: I have one question for rescue chief, or lieutenant or Mr. President. We received a lot of emails from Rescue Squad members asking us to move the skate park to Ida Lee. Is the rescue squad still comfortable with that approach? It is not the only approach, but are you still – would you still be in support of that approach if that is what Council decided to do?  
Mino: Of moving the park to Ida Lee? Yes.

*The motion to defer the vote on the skate park location take place at the second meeting in September was approved by the following vote:*

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

*Nay: None.*

*Vote: 6-0-1 (Martinez absent).*

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

***MOTION***

*I move to take the option of selling or donating the park off the table.*

Council Comments:

- Burk: We have just been talking about that you have to have the sixth vote and you don't have the six votes. I think we need to let Mr. Saghafi know that there isn't enough votes to sell the property or donate the property for his business expansion so I think just out of courtesy to him, we ought to at least take care of this issue if we can't take care of the other parts.
- Mayor: Well, you are also including in there you are saying we won't even consider donating the land to the rescue squad – is that your intent?
- Burk: No.

- Mayor: Well, then you need to reword that one.

*The motion was withdrawn.*

- c. Extension of Fixed Based Operator Agreement at Leesburg Executive Airport  
*On a motion by Council Member Fox, seconded by Council Member Dunn, the following was proposed:*

**RESOLUTION 2015-091**

*Authorizing the Town Manager to Execute a 10-year Lease Extension between the Town of Leesburg and ProJet Aviation, LLC, for Fixed Based Operator Activities at the Leesburg Executive Airport*

Council Comments:

- Fox: Just a few quick comments. I had a few minutes to speak with Mr. Boykin about this. I think it is in the town's best interest to extend the lease. I don't want to see operations interrupted in any way, shape or form, so I really think this is the best course of action.
- Dunn: Just real quick, I think ProJet has been a great business partner and if we can move this along quickly, Dennis can speed on home.
- Burk: I'm just glad that we were able to work it out and that we are still working with you.
- Hammler: I just wanted to thank all of the parties for their spirit of cooperation to get to a resolution so that we are able to vote on this this evening on things such as the maintenance. I do think you are a great business partner for the town, Mr. Gilad, and I do want to thank the airport commission and staff.
- Mayor: I will just say, Shye, thank you for being here tonight. Thanks for everything you do for the airport. Dennis, Scott, thank you guys for all your hard work on this and thanks for reaching an agreement on this. We really appreciate it.
- Fox: No final comment. I'm just happy that it has come to this resolution.

*The motion was approved by the following vote:*

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

*Nay: None.*

*Vote: 6-0-1 (Martinez absent).*

- d. Downtown Parking Recommendations

Council Comments/Questions:

- Dunn: Looking everything over one more time, and I may want to make a motion. I just wanted to double check.
- Butler: Just a general question from the last work session. I know we had some audio problems, so I wasn't able to connect in for that, but it seems like most of the items even though there seems to be majority support for most of

the items based on the survey feedback, that the majority of the large items – virtually all of the significant items were deferred. What did we mean by deferred? Did that mean that Council couldn't get the four votes to do something or they decided let's do some of these ones that we all agree on now and we will have another work session later or what was the...

Staff answer: That was outcome. We wanted to go with the items that had broad-based support in this resolution still identifying all of the different recommendations from the task force and then come back for what was scheduled for September 21, that work session, to invite the downtown parking task force to actually meet with you during a work session and discuss those items that were a little more detailed.

- Hammler: I have to admit I haven't been able to pull this back up tonight so if we are discussing this again at the end of the September, I have no problem doing everything in one fell swoop or are we separating it?

Staff answer: ...to create some momentum so that we can start progress on some of the items that were easier and everyone agreed to – certainly from a staff point of view if you all feel more comfortable doing it all at once in September, we can do that also.

- Hammler: Between the Sharepoint site being down and just trying to keep track of where these things are – thank you very much. Is there a resolution on the table?
- Mayor: Nobody made a motion.

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

***RESOLUTION 2015-092***

*Authorization to Implement the Recommendations of the June 8, 2015 Downtown Parking Task Force Report*

Council Comments:

- Dunn: It looks like the issues that we discussed that were more detailed are being deferred and the things that are moving forward tonight, I won't say basic, this hasn't been a basic process, but it looks like things we can easily move forward on.  
Staff answer: Some things are just to direct us to gather more information or develop more information for you at a later date – not actually [inaudible] order.
- Dunn: And I think if Marty was here, he would be glad that we were moving forward on something.
- Mayor: You are making a motion to move forward with all 24 items that are in this draft resolution?
- Dunn: I don't have – I gave my sheets over to Katie. Well, the 24 are the ones that aren't deferred.
- Butler: Right, you are saying the 24 ones as outlined in there. The ones that say deferred, are deferred.

- Dunn: Yes, that's fine.
- Mayor: Let's go over what they are. The ones that we are being asked to vote on tonight, that are not being deferred, that is that staff proceed with the zoning ordinance modification to eliminate the County of Loudoun garage as a qualifying facility since public parking is not allowed during work/business hours. Number two, town staff is directed to develop a capital improvement project for council consideration as part of the FY2017 budget. Three, town staff is directed to provide passenger pick up and drop off zones where feasible to benefit those with mobility limitations. Four, is to increase the fee to get a parking meter bag from \$3 to \$10, I assume that is per day. Right, Keith? Staff answer: Yes.
- Mayor: Five, town staff is directed to investigate options to implement a graduated parking violation fee for habitual offenders and report back to Council. Next two items are deferred. Then we move to eight. Staff is directed to investigate the use of mobile payment apps and report back to Council. The kiosks are deferred. Free parking on the second, third floors is deferred. Parking rate for the first floor, deferred. Remove gates and payment booths, deferred. Reallocate town parking attendants to parking enforcement, deferred. We get to 14. Staff is directed to reconfigure parking spaces where feasible in order to increase the user friendliness of the parking garage, and I assume that just means make them bigger? Fifteen, paint the interior walls of the town garage. You are authorized to paint them a bright white color in FY 2016 if funds are available or to request an appropriation in the proposed FY 2017 budget. Sixteen is to develop design options and cost for exterior signage on the town garage wall. Seventeen is to develop a plan to install welcome and informational kiosks for council consideration. Eighteen and Nineteen are deferred. Twenty is to continue to rent the basement level of the garage. Twenty-one is deferred. Twenty-two develop and install additional signage that alerts the public to other parking areas using FY2016 funds. Twenty-three is to develop a list of improvements that can be considered by council during FY2017 budget discussions and twenty-four, the town manager is directed to delay relocation of staff to the Liberty Street lot at this time. If changes to town garage operations create parking shortages in the garage, the town manager may need to relocate town employee parking in whole or in part to the Liberty Parking Lot. The bright white garage, okay. That is a clear directive. That is what we've got.
- Butler: I wasn't at the work session. I might have a minor quibble, but I am fine with these.
- Hammler: First I want to thank Council Member Dunn for giving me the hard copy. I very much appreciate your chivalry. Just a very minor point – number three, the way it has been articulated, this passenger pick up and drop off zones it says specifically to benefit those with mobility limitations. I would suggest that we not market it as such in such a limited fashion because it really is to encourage as many citizens and visitors as possible to car pool and be able to drop off anybody for any reason and make it very, you know, welcoming and promote it as a way to really encourage the need for fewer parking spots and bring more and more people downtown. So, I would just

suggest that we edit that accordingly so that is what you are doing. You are promoting it and however you physically create that, that is the intent.

- Fox: I was actually going to say almost exactly the same thing except I was going to ask for a friendly amendment to defer item #3, just because I don't think it is clear and I think, you know, how would we know that those with mobility limitations are going to be the ones using – I thought it might need a little more conversation, that's all.
- Mayor: Are you comfortable with Katie's request that staff not market it as such?
- Fox: I think it needs more discussion. I can see where she is coming from, but I feel like it should be deferred.
- Mayor: Alright, you would like to make a motion to amend to defer that particular issue, which is number 3?
- Fox: [inaudible].
- Butler: I second it.
- Fox: It is a pretty simple way of looking at it in my opinion. I am not clear on it. I don't think Katie is clear on it. I think I know where she is going with it, but I feel like it warrants more discussion.
- Butler: Yeah, that happened to be the one little quibble that I had, so I agree with what Council Members Hammler and Fox said. So, yeah, I think it is a small thing. I think it can be deferred for a month without, you know, undue problems.
- Dunn: Well, I would just say that's fine, if we want to defer it, but it does say there is nothing in there about how it is being marketed. It just is asking staff to look into the feasibility of these zones, so I think to start looking into how we are marketing things might be putting the car before the driver. So, if you want to defer it, I am fine with it, but I really don't think we have to.
- Mayor: It actually is not directing them to look into the feasibility, it is directing them to establish those zones where feasible.
- Burk: But we will look at it next month?
- Mayor: Nobody said next month, but yes, we could look at it next month.
- Burk: I don't think I have an issue with it. I was okay with it. But you know, as long as we get it done.
- Mayor: Okay. Alright. I am going to ask for a vote.
- Hammler: I didn't get to comment after Council Member Fox. I would prefer not to defer it, rather and I appreciate staff has just gone off and provided a succinct edit which is to delete to benefit those with mobility limitations. I think it is one of the most important ones to get started because it is ultimately the goal being to bring more people downtown and reduce the need for parking – so if we can just get started doing it and you can take out that limitation with those words, I would prefer not to defer and would encourage my colleagues not to defer and I will make a friendly amendment to make it succinct to simply delete those words up on the screen and Council Member Fox just to delete “to benefit those with mobility limitations” which I think is much more clear.

*Council Member Hammler made a friendly amendment to delete the words “to benefit those with mobility limitations”. The amendment was accepted as friendly.*

*The motion to approve the resolution was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Fox, Hammler, and Mayor Umstattd*

*Nay: None.*

*Vote: 6-0-1 (Martinez absent).*

e. Capital Intensity Factors (Proffer Contributions and Appendix B)

*On a motion by Vice Mayor Burk, seconded by Mayor Umstattd, the following was proposed:*

**RESOLUTION**

*To Solicit Consultant Assistance to Develop a Capital Intensity Factor (CIF) for the Town of Leesburg and to Update Appendix B in the Town Plan (Off-Site Transportation Costs)*

Council Comments:

- Burk: This is just to hire a consultant to start putting it together. It is not to do anything at this point. It is just to begin the process – to hire the person to get it together and bring it back to us in a timely manner. So, I don't see why we would put it off. Why don't we take care of it, get it done tonight and move on.
- Butler: I have some concerns with this and there is three concerns. One is that it is a significant amount of money to come out of the undesignated fund balance and so what that basically is saying is that we are spending fiscal 2017 money ahead of, you know, fiscal 2017 without actually comparing it to anything else we are going to spend in Fiscal 2017. You know, if it is a small amount, that's one thing. But you know it is \$70-80 thousand and who knows, it could end up being \$100,000. I think it is a lot of money to come out of undesignated fund balance. The second thing as I have said before, it is not clear to me that this will end up being – having us get more money in proffers. I know for a fact that there has been at least one application that we have had that we lost money in parks and rec proffers because we had a set impact fee that I was discussing with the applicant – well what about, you know, such and such. I forget what it was specifically, for this area and their response was hey, look we paid you your impact fee. We are done. There is not going to be anymore parks and rec stuff unless it is something that we feel that we need for our specific development but not something that you think because we pay our impact fee, we are done. So, there is concerns that it certainly makes it easier. It makes it easier to approve development. It makes it easier to get through the proffers. It makes the whole process smoother for people who want to develop things. It is not clear to me that we end up with more money at the end of the day or that it is more fair at the end of the day. So, I have that concern. So, my preference would be to defer this to the next budget and so that we can actually put it into the budget and have it as part of the plan and then who knows by that time, staff may feel that they have the

bandwidth to do it and then we would save the \$80,000 completely. So, I don't think there is any particular rush. I mean, some of these things are really old and okay, maybe we did it in 1990 or something like that. Well, if it is 25 years old, then if it is 25 and a half or something like this, it is not going to be very different. I don't see a particular reason to rush and spend such a significant amount in the undesignated fund balance at this point.

- Mayor: Can I ask you a question, Dave? Do you feel that it is not a good expenditure at this time because you don't anticipate the town getting much bang for the buck because much development has already been approved and we don't anticipate that much more? Is that part of your concern or do you just think the timing is wrong?
- Butler: I think the timing is wrong definitely. But I also think it is not that we don't have much development left – it is that there is an assumption that if we come up with these capital intensity factors, that it is going to increase the amount of money that we get in proffers. I am not sure that I buy that based on my experience dealing with applicants and like I said, there is at least one or two instances where I know we have lost money on parks and rec because we have had basically the impact fee. If we didn't have an impact fee, we would have actually gotten more dollars, I think, out of the applicant. I don't know for sure. The big advantage of doing this, is it takes a lot of the guess work out. It takes a lot of the discussion out. You don't have to be talking about things specifically. I think it's not clear to me that we are going to make out on it. It may end up not being the win that we think. It may encourage new development that we don't necessarily want. I don't know. The problem is if we go through this process and we come up with a report. Bam! Here is all the data, then whether we approve it or not, it is pretty much done because if we have consultants come in and say, of course Barbara can correct me if I am wrong, but if we have consultants come in and say, yeah, we figured it all out. It's X thousand per person for off site road improvements and we say now we don't like it, but then development comes in and the developer looks at the report and say hey look, I am offering you X for offsite transportation improvements, that's my offering. You prove me wrong. I'm not sure we have a leg to stand on in that case. I think it's risky to do this. So, I just don't want to rush into it. I think, you know, we think about it a little bit more and use the budget process that we have in place and like I said we may end up saving \$80,000 because staff may look at it and say yeah, next year we have enough time.
- Dunn: Yes, I would rather not move forward with this resolution this evening and I am not sure I'd want to move forward with it at all because I think that we do have a proffer system that is already in place. It seems to have been working well. I think that there are calculations that staff is already using that is getting us to where we need to be anyway and then I do feel that this is a substantial cost in bringing in a consultant in that I am wondering how much more we would get in impact fees to warrant a break even point on the cost to find out if we need to make more money on impact fees. They may come back and say well, generally you could have done \$2,000 more in impact fees versus proffers and then you have a long break even point with

the high cost. So, I can't support this motion at this time and I think that our current process is working fine. It does seem like a lot to spend for a consultant, so I would have to pass on that.

- Mayor: Question for Barbara to clarify, or Susan. My understanding is we really don't have the authority to impose impact fees and we are not talking about impact fees, we are talking about guidelines for proffers?  
Staff answer: Correct.
- Hammler: If I could get clarification how long will the research take before it comes back to Council?  
Staff answer: The research – are you talking about how long it would take to go out for a request for a proposal?
- Hammler: No, the entire process for the research to come back to Council.  
Staff answer: Once we have gotten a contractor to do this, probably about four to six months.
- Hammler: So, the total process would be four to six months.  
Staff answer: Once we have it under contract.
- Hammler: And how long does that take. I am trying to get a sense of when it is coming back.  
Staff answer: [inaudible].
- Hammler: I do agree that it is a lot of money to be pulling from a source that hasn't been budgeted properly. But that being said, I am not convinced because it is important to understand that we haven't done the analysis that we have all the intensity factors that we need to be able to communicate effectively to the development community and I think the other benefit of getting started is of course that we don't have the delay of having data that we need to support to make good decisions as a council one way or the other and that therefore we would be able to justify them as well which I think we need a source to be able to do that. The other thing that I think is a benefit is it would create consistency across councils for councils to see what has been researched and either voted or not voted on. Additionally, I think there may be changes relative to things like annexation which would open up other opportunities that we would need to be prepared for to have these type of intensity factors so you know again I wish we could just have staff be able to do this and bring it back. I will go ahead and support it this evening.
- Fox: [inaudible] his comments and I too have concerns about the risk and prematurity of it all and think it would be best to wait [inaudible] staff's position and how stretched they are, but I feel like we don't need an outside person to do this at this point, anyway and the price point we are looking at it is premature.
- Burk: A couple of things. You know, thank you for clarifying that this isn't an impact fee. This is an attempt to get the data to find out what we need – what is the impact of the developer's development. We all talk about how important it is to make sure that we are taking care of the impact of what this development means. We have no idea at this point, so we are simply asking staff to ask for things based on formulas that are so old. Some of those formulas, gas was 32 cents when we created that formula and now how much

is it all these years later. If you think that developers are going to give you more money, I am afraid – I think you are dreaming on that one. Their job is to create – to make money to make sure that what they are doing creates a profit for them and it is our responsibility to stand up for the taxpayer and to say to the taxpayer that we got the impact of this development whether it is transportation, whether it is schools, whether it is fire and rescue or whether it is recreation, whether it is any other of the components and by saying that we don't want to get that information floors me because we should be taking this opportunity – we should have been doing this a long time ago, but we should be taking this opportunity to get the most that we can and to make sure that the taxpayers aren't carrying the load and they are, at this point. We are talking about moving a skate park and we are talking about moving it from \$500,000 to \$260,000 and that's not going to bring us any money. This is something that is going to bring us an opportunity to make some impact into what is happening. I think that we are just blind at what we are doing now and we are reaching at things and as I said, to use a formula that was created 25 years ago when gas was 32 cents a gallon and now it is, you know, close to four, we are not getting anywhere near what we should be getting. There are all sorts of examples of that when you look at the other counties and what they are getting, and what they are asking for. So, to me this \$80,000 – 70-80 thousand dollars is an investment. It is an investment that we will get back and I think it is just something that we should be doing and we should have been doing it before and it seems like this is an opportunity that we are losing but everybody is going to have to vote the way they feel the best.

*The motion failed by the following vote:*

*Aye: Burk, Hammler and Mayor Umstatt*

*Nay: Butler, Dunn, and Fox*

*Vote: 3-3-1 (Martinez absent)*

**12. ORDINANCES**

a. TLZM 2015-0001 Poet's Walk

*On a motion by Council Member Dunn, seconded by Council Member Fox, the following was proposed:*

***ORDINANCE 2015-O-015***

*Approving TLZM 2015-0001 Poet's Walk, a Concept Plan Amendment and Proffer Amendment to Allow Development of a 38,000 square foot Nursing Home in Oaklawn Landbay MUC2*

Council Comments:

- Dunn: Looking over the report and discussion with my planning commissioner, I think that it is a good use for this property. I think that it is worth moving forward, unless staff wants to have a huge presentation tonight, I would rather pass on that too.

- Fox: I think it is a good use for the property. I do like the fact that it is being used for transition between residential and commercial over there in Oaklawn and I think that is a benefit so that I why I am supporting it.
- Butler: I just had a question for staff. This was deferred two weeks ago I think so that the applicant could provide updated proffers. I just wondered if you could summarize what those changes to the proffers were compared to last time.  
Staff answer: Proffer #11 was added – Landscaping in landbay MUC1. Landbay MUC1 is the park that is across Oaklawn drive from the site.
- Butler: And you probably have a nice picture of that.  
Staff answer: I do. So, the arrow points to Poet's Walk and across to the north in the light purple is the park, MUC1. That park has right now about 30 canopy trees – I went out and counted them today. I am not sure quite where exactly the boundary is, but about 30-35 canopy trees. We had asked during the review – staff had asked for additional trees and landscaping there in that park. The applicant, up until the time this came to you had not proffered such but agreed to that night at the public hearing two weeks ago so we now have a proffer that the applicant shall install a minimum of 15 additional large canopy trees in the vicinity of the pedestrian walkways in MUC1, the park, and that they shall also install at a minimum 20 shrubs up along the right of way along Oaklawn Drive. So, we have those commitments now for additional shrubs and canopy trees.
- Butler: Okay, and you think that is a reasonable mitigation of the minimal impact that this would have?  
Staff answer: I do. That is what we had requested originally.
- Butler: Okay but the original – it is the same net increase in density per square foot?  
Staff answer: Yes, this has the potential because it is traffic neutral and not based on square footage, this has the potential to allow up to 36,500 square feet of additional development somewhere in the Oaklawn Development. It is a trade off system that they had written into their proffers, so not necessarily would it be in MUC2 in this landbay.
- Butler: What other landbays could it be in? Any of them?  
Staff answer: It could be in the PRC landbays, which are MUC2, MUC5, some of the phasing proffers, I believe, allow some of the uses to go into the PEC landbays so it is kind of a complex formula, the way they have written it in the proffers. They have written it to maximize their potential for flexibility.
- Butler: Okay, so there is a not unreasonable chance that that 36,000 square feet could end up being utilized.  
Staff answer: There is a chance that some of it could be, but to do so would require on the overall Oaklawn site – would require with our parking standards and our landscaping standards, it would require some pretty intense urban style development to get to the full figure they are looking at. They are approved for 1.4 million square feet of development already, which would be hard to obtain with the kinds of layouts and kind of development that we see here in Leesburg now.

- Butler: So, there is 1.4 million and 1.44 million is really kind of eeeh. Is that what you are saying?  
Staff answer: I would say it is a pretty small amount – I think it was 2% of the total – 2 % or less of the total amount of square footage allowable.
- Butler: Thank you and I apologize for – I was offsite using this wonderful communication gear so I wish I was able to attend the public hearing in a little bit better fashion.
- Hammler: Just remember – what was the planning commission vote, please?  
Staff answer: The planning commission vote was 3 in favor, 2 opposed and 2 absent. The 2 that were opposed, one mentioned the speaker that evening was someone who lives in Stratford along the cul-de-sac to the north of the park who had said they weren't necessarily opposed to the use of the nursing home, but that they were concerned about the increased density and one commissioner who voted against it referenced the increased density as the reason he was going to vote against it. The other commissioner who voted against it asked a few questions. Some were about airport noise and that type of thing, but didn't state specifically why she was voting against it.
- Hammler: At this point, I do not see myself supporting it for some of the same issues but I would add, just the opportunity cost in terms of the vision for Oaklawn as well as the community commercial opportunities for the neighbors to enjoy the types of amenities that we have in Exeter that families really enjoy having nearby.
- Mayor: I have a question for Chris Gleckner. Could you address the question of basically the point Katie made that she is concerned that the neighbors in Oaklawn may not get the amenities they wanted should this go forward. I seem to remember before the planning commission, you indicated that you thought the increased square footage that would be available could be used for restaurant use. What was your position on that?  
Gleckner: Well, our position on that is because we took a traffic neutral approach to, you know, the allocation of the square feet, what we reduced from what was already approved in Oaklawn, we only had to take away 1500 square feet of restaurant use, which leaves 26,500 square feet of restaurants, so that translates roughly – 5000 square feet is about what a fast food restaurant is – four or five thousand, so you could have five of those. A small inline sandwich type shop might be 2000, so there is the opportunity for several restaurants to occur with the remaining square footage. So, we do not feel that we were taking away the amenities that the residents are looking for. Again, if you look at the location where this facility is going, it is really not a good visible location for commercial uses. So, obviously that was why that portion of this landbay was chosen, the Battlefield and Miller Drive frontages are still available for commercial opportunities and a considerable amount of square footage remains to permit the uses that the residents are looking for. I would also add that when we did meet with the HOA boards of both Oaklawn and Stratford, that we did not get those comments about well what about the restaurants. I think, and this is what I took away, so I can't say I am speaking for them, they saw that there was land area left for the uses that they are looking for.

- Mayor: Okay. Thanks. I mean this is a little bit difficult because on the one hand we did have a family come out concerned about an increase in density. On the other hand, they weren't opposed to this particular use. This particular use is pretty low impact on anybody who can see it. Spring Arbor is an example of a facility that has had, I think, a positive impact on the neighborhood. So, I guess the only question is whether this would shift additional density closer to other residents. Are we helping out residents near this facility and then potentially putting unwanted uses closer to other residents. So, Irish that might be a question for you. Would the flexibility that is being requested, is it likely that other townhouse areas might get uses they didn't anticipate next to them?

Staff answer: No, because it doesn't change the permitted uses in those landbays. The uses that were allowed and originally established in the original rezoning and proffers and reestablished last year in the clarification of proffers, those are staying the same in those other landbays, so whatever uses that could have been there such as restaurant or office still can be there.

- Mayor: Okay, alright. Thanks, Chris. I will support it tonight.
- Dunn: I know the folks in this area and going back many, many year and hearing from them that they have always felt that they weren't quite getting what they were sold or what they were told and they were expecting more of a town center and that just isn't in the books. I think that this is less impactful on the residents from what other commercial uses could be there. I remember when the gas station was going in – I had mentioned to the residents that hey the good news is the gas station is going in a little bit further away from where you are at, the bad news is a five story office building could be right in your back yard, because that is what could be there. I think this is less impactful on the community, the need for schools, traffic, etc. It does make for a good use. I will say that I do agree with the citizens and Ms. Gleckner and the folks over at Oaklawn, I am hopeful we are seeing some of the very last rezoning requests from Oaklawn, because I am not thrilled about the piecemeal approach that we are getting and I would like to see us – the residents are wanting to see us – give us the commercial that we are looking for. I know that you have to make money in order to make other things happen and hopefully this project will help you move down that line to getting the funds needed to develop more and develop more of the amenities that the folks in the area have been seeking for a long, long time. This project has been before us before – shoot, Dave, I think we had Oaklawn before planning commission six years ago when this first came up. Eight years ago, maybe. I am hoping like some of the planning commissioners felt, the citizens, that they can start seeing some more commercial that is benefitting them. The shops, the restaurants. This, I think is less impactful than what could have been an office building going up in people's back yards, so I am willing to support this.

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Fox, and Mayor Umstatt*

*Nay: Hammler.*

*Vote: 5-1-1 (Martinez absent).*

**13. UNFINISHED BUSINESS**

a. None.

**14. NEW BUSINESS**

a. None.

**15. COUNCIL MEMBER COMMENTS:**

Council Member Dunn: Had no comments.

Council Member Butler: Just two quick things. I do have two disclosures. As I mentioned last time, I talked to the Poet's Walk folks a few weeks ago, but was out for the last two council meetings. I also had a chance to get a tour by the rescue squad on 8/9 regarding the skate park relocation. The only other things is I didn't do anything the last two weeks, because I was out of town having a little bit of fun.

Vice Mayor Burk: Just two things. On the 30<sup>th</sup>, I attended the VML transportation meeting and on the 31<sup>st</sup>, Blue Ridge Hospice opened their second hand store right near the Giant. What a beautiful facility. I was amazed. You would never know it was a second hand store, they have done such a nice job. Then on the first, some of us here attended the Makersmith grand opening and that was a wonderful experience and it looks like a great start for them. That's all I have.

Council Member Hammler: I had several disclosures. I had several phone conversations with Peter Burnett about moving the houses and there is a meeting tomorrow that staff is attending just to get more details given some of the research that has been going on. I ran into Hobie Mitchell at the Makersmith event and we did briefly discuss Crescent Parke. I received a call and had an email come in from Sandy Grossman, the president of Exeter Homeowner's Association about the dam. I joined Dave at the Rescue Squad and appreciated the tour and ability to understand and physically see their limitations helped me to prepare for the skate park discussions. Along with Congresswoman Comstock, our mayor, the mayor of Purcellville and Vice Mayor Burk, I was honored to attend the Makersmith ribbon cutting. It is one of the most moving ribbon cuttings, certainly well organized and extremely well attended just, I think, Pat choked up when he was about to give his few words, but I think that is only a testament to the unbelievable amount of leadership, time and sacrifice for his family that has gone into seeing his vision come to reality. I would encourage all of our residents to go to MakersSmiths.org. There is going to be open houses on Tuesdays and Thursdays for families. It is a tremendous amenity here within the town to go make stuff and have a great time doing it and improving quality of life and just tremendous energy with their entrepreneurial community as well. So, I look forward to great things with having that in the town. There will be an article about makersmith and the opportunity for other municipalities around the state to learn from it in the VML magazine coming up. Speaking of VML, I will be attending the executive quarterly meeting this week in Charlottesville. Finally, just wanted to remind residents – lock your car doors and by all means if you go to Ida Lee, also lock up your belongings,

because I think that big bubble – a couple of those big bubbles over where several of us live near Ida Lee, is I think, because people are not locking up their valuables at Ida Lee.

Council Member Fox: I had just two quick things. I too attended the ribbon cutting on the 31<sup>st</sup> at Blue Ridge Hospice. Great little place. Loved it and they will probably get a lot of my money. The second thing is I really wanted to thank Council for the past two nights – for being patient with me. I appreciated your letting me remotely call into the meeting and participate. Those are the things I have.

**16. MAYOR’S COMMENTS**

I’ve got what’s coming up. Of course, we have the India Independence Day Celebration at Ida Lee this Saturday from 3 p.m. to 8:30 p.m. and then the next day, Sunday, August 16, we have the Pakistan Independence Day Celebration. Admission is \$5 per person. Leading up to that at Ida Lee, which will be a very busy place in the next few days, we have the One Loudoun Revival, which is 21 pastors from around the area have come together to hold a three-day revival at Ida Lee. It starts at 6 p.m. Wednesday, Thursday and Friday. That’s all I’ve got.

**17. MANAGER’S COMMENTS**

Mr. Dentler had no comments.

**18. ADJOURNMENT**

*On a motion by Council Member Butler, seconded by Council Member Dunn, the meeting was adjourned at 10:50 p.m.*

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council  
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