

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

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

Council Members Absent: Vice Mayor Burk.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Planning and Zoning Susan Berry Hill, Assistant Town Manager Scott Parker, Director of Economic Development Marantha Edwards, Deputy Director of Planning and Zoning Brian Boucher, Senior Planner Michael Watkins and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. CALL TO ORDER

2. INVOCATION: Council Member Hammler

3. SALUTE TO THE FLAG: Council Member Fox

4. ROLL CALL: Vice Mayor Burk was absent.

5. MINUTES

a. Regular Session Minutes of July 28, 2015

On a motion by Council Member Butler, seconded by Council Member Dunn, the regular session minutes of July 28, 2015 were approved by a vote of 6-0-1 (Burk absent).

b. Work Session Minutes of August 10, 2015

On a motion by Council Member Butler, seconded by Council Member Dunn, the work session minutes of August 10, 2015 were approved by a vote of 6-0-1 (Burk absent).

c. Regular Session Minutes of August 11, 2015

On a motion by Council Member Butler, seconded by Council Member Dunn, the regular session minutes of August 11, 2015 were approved by a vote of 6-0-1 (Burk absent).

6. ADOPTING THE MEETING AGENDA

On the motion of Council Member Hammler, seconded by Council Member Butler, the meeting agenda was approved after moving the Civics Education item to immediately prior to the public hearing, by the following vote:

Aye: Butler, Dunn, Fox, Hammler, Martinez, and Mayor Umstattd

Nay: None

Vote: 6-0-1 (Burk)

7. PRESENTATIONS

a. Resolution of Respect – Scott Gustavson

On a motion by Council Member Butler, seconded by Council Member Hammler, the following Resolution of Respect was approved:

RESOLUTION OF RESPECT

SCOTT HENRY GUSTAVSON

January 13, 1964 - September 3, 2014

WHEREAS, Scott H. Gustavson was born in Annandale, Virginia on January 13, 1964 and graduated from Annandale High School and the University of San Francisco; and

WHEREAS, Scott bravely served his country in the United States Marine Corps; and

WHEREAS, Scott generously volunteered his time to his community as a member and Chair of the Leesburg Economic Development Commission, president of the Leesburg Downtown Improvement Association, and as a board member for Loudoun Habitat for Humanity; and

WHEREAS, Scott was a devoted husband to his wife, Colleen, and loving father to his three children, Finn, Declan and Britta and brother to Carrie, Ingrid, Nicole and Ida; and

WHEREAS, many in the Loudoun and Leesburg communities could always count on Scott as a business advocate, leader, navigator and friend.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby extends their sympathy to the Gustavson family and ask that this Resolution of Respect be spread upon the minutes of this meeting and that a copy be given to his family.

PROCLAIMED this 8th day of September 2015.

b. Certificate of Appreciation – Don Chapman

On a motion by Council Member Butler, seconded by Council Member Hammler, a Certificate of Appreciation was approved for Don Chapman's service to the Economic Development Commission.

c. Proclamation – National Hispanic Heritage Month

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

PROCLAMATION

Hispanic Heritage Month

September 15-October 15, 2015

WHEREAS, September 15 through October 15, commemorating the anniversary of independence for seven Latin American countries, is designated by the Federal government as a time to recognize the achievements and contributions of Hispanics in this country; and

WHEREAS, our country draws its strength from the contributions of a diverse people; and

WHEREAS, this month’s theme, “Honoring our Heritage, Building our Future”, reminds us of all the ways Hispanics have enriched our community, shaped our character and will continue to do so into the future; and

WHEREAS, Leesburg's Hispanic community continues to make significant cultural and economic contributions to our Town; and

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim September 15 - October 15, 2015 as Hispanic Heritage Month and encourage all residents to join in recognizing and preserving the contributions made by Hispanic Americans.

PROCLAIMED this 8th day of September 2015.

- d. Proclamation – Blood Cancer Awareness Month and Lymphoma Awareness Day

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

PROCLAMATION

BLOOD CANCER AWARENESS MONTH

September 2015

LYMPHOMA AWARENESS DAY

September 15, 2015

WHEREAS, Lymphoma is the most common form of blood cancer and the third most common cancer of childhood; and

WHEREAS, more than 80,000 new cases of lymphoma are diagnosed each year in the United States, including 1,900 in the State of Virginia; and

WHEREAS, a cure for lymphoma can only be realized through advanced cancer research; and

WHEREAS, awareness and education are powerful tools in the race to find a cure for lymphoma; and

WHEREAS, the health and vitality of the people of the State of Virginia are significantly enhanced by local efforts to increase communication and education pertaining to blood cancers; and

WHEREAS, the Lymphoma Research Foundation offers a wide range of support services and programs for people with lymphoma, their loved ones and caregivers.

WHEREAS, Lymphoma Awareness Day helps to raise general awareness of the disease and provides hope to all those affected by a lymphoma diagnosis; and

THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the Town of Leesburg in Virginia that September is Blood Cancer Awareness Month and September 15, 2015 is Lymphoma Awareness Day in the Town of Leesburg and all citizens are urged to support the efforts to find a cure for these diseases and to offer support to those who have been affected by them.

PROCLAIMED this 8th day of September, 2015.

e. Presentation – Bike Loudoun

Dennis Kruse gave a brief presentation on the Bike Loudoun initiative to create a bike lane network throughout the town. Mr. Kruse stated that they are asking for signed and named bikeways as well as completion of the lanes to the bypass at Battlefield Parkway.

f. Presentation – The Regional Greenhouse Gas Initiative: A Climate Solution for Virginia

Charlie Spatz, Chesapeake Climate Action Network, stated his nonprofit works on climate change issues in DC, Maryland and Virginia. He also spoke about the Regional Greenhouse Gas Initiative (RGGI), which is having measureable effect on electric consumption throughout the states in which it has been enacted.

8. PETITIONERS

The Petitioner's Section was opened at 8:12 p.m.

Christopher Adams/Bob Diehl: For the last 11 years, we have performed a fundraising event in the Town of Leesburg, starting at the Best Buy. It has gone up to the Gettysburg Harley Davidson and we are here once again to ask for support. For the last 11

years, Neil Zimmerman, [inaudible] my motorcycle club has done this event, about 130 miles. It goes through four states, three battlefields and is actually listed as one of the top ten motorcycle rides in the United States. It is a great time. We get about 200 riders who come out with another [inaudible] passengers, one of which has been the Mayor before. We have raised over \$500,000 over the past 11 years. As you mentioned, Special Operations Warrior Foundation, that is generally what we have referred to it as for the Battlefield Run. Unfortunately, due to third party liability reasons, SOWF is no longer interested in dealing with motorcycle rides or parachute events. So, we did our due diligence and went out and looked for, researched new charities that we could help out at this time. So, our direction this year – we are going to support two organizations called 22 Kill and Canines for Warriors. Both of these organizations provide over 95% of all their money directly to service members rather than administrative staff. That is one of the key things we wanted to look at, is that percentage. The 22 Kills program under a Veteran's 501(c)3 non-profit organization that is Honor, Courage, Commitment Inc. The initiative is a show of support for suicide prevention for military and veterans and it is also to raise awareness of the epidemic going on right now of averaging 22 veterans and military members committing suicide every day. This funding supports suicide prevention services. So, every dollar that we make goes towards those who have [inaudible]. Canines for Warriors – personal favorite because its dogs. This is also a 501(c)3 nonprofit. They provide service canines for warriors suffering from post traumatic stress disability, traumatic brain injury and other military traumas that occur while they are in the military service post 9/11. What is interesting about this is the canines are also rescue dogs that have been rescued. So, every \$15,000 that we raise saves a dog and potentially saves a soldier's life. These are the two organizations we looked at this year to receive our support. Over the years, we have not been able to do this. We have had zero casualties. We have had nothing go wrong over the 11 years and we have only been able to do that because of the start. Leesburg Police Department has always started us off out of the Best Buy down the highway and then get us out of the county. It has been a help that we really couldn't do without. So, what we are here asking for, and I apologize for the last minute – we usually try to do this in June – to make this request, but we are especially requesting a decision this evening that the Council waive the special event fee and the police department fee for providing the escort so that we can spend all the money that we raise on the event to the charities and provide as much as we can to them. Mayor, as always if you'd like to attend, next Saturday, please do.

Mayor: How much is the total amount you are asking us to waive this evening.

Dentler: Staff provided that to me – it is \$590.

Council Member Martinez made a motion to suspend the rules. The motion was seconded by Council Member Dunn and approved by the following vote:

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

Nay: None.

Vote: 6-0-1 (Burk absent)

Council Member Martinez made a motion to waive the \$590 in fees/expenses associated with the Battlefield Run. The motion was seconded by Council Member Dunn.

Council Member Questions/Comments:

- Hammler: Can I just clarification, Kaj, the \$590 includes the police?
Staff answer: The \$590 includes the \$50 special event permit application fee and \$540 for three police officers to man the event.
- Hammler: I would just formally request any call for volunteers. There may be probably volunteers in the police department who would be more than happy to support this endeavor so I would request that we at least ask.

The motion was approved by the following vote:

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

Nay: None.

Vote: 6-0-1 (Burk absent)

Andrew Borgquist: I am here speaking on the issue [inaudible] which is so tonight I just wanted to say kind of the concept of what they call the Butterfly effect. I want to talk about small acts that have a large impact, which essentially what I wanted to say on that is there is this concept, there are several different ways you can describe it, but if you know a butterfly flaps its wings in one part of the world, there can be a large effect in the other part. So, essentially some time ago I had an interaction with a Town of Leesburg police officer which was not that great. So I had ended up voicing some concern about the actions of the police officer in question. Although there was really nothing that should have been any concern regarding the actual interaction, unfortunately things go [inaudible] a little bit and you know, in a manner that I thought was every unfair – extremely unfair and certainly lacked transparency and really represents kind of a concern because at the end of the day and I have said this on numerous occasions because I have come up and talked about the fact that I have had, you know, concern about the Leesburg Police Department, but I think the Leesburg Police Department is a good department. This is about exceeding expectations and so the idea was that of course there is you know, obviously [inaudible] you know ultimately was what happened should have happened and [inaudible] that situation that happened ended up with my termination from service with the town of Leesburg even though I had been a good employee for 14 ½ years for essentially an interaction that in its worst you could just say that I wasn't very polite but that was how the Town of Leesburg has chosen to go. The justification, really there has been none for why it would occur that way. At the end of the day, what has kind of been told to me was that maybe it is a matter of opinion, but I have come to the Council on numerous occasions saying that this kind of thing is not a matter of opinion. You know, if you objectively look at it and say this wasn't fair. This wasn't transparent, you know this wasn't the way it should have happened and ultimately this is a big concern that should be addressed and you know basically these kinds of things are not about opinion and never should be. This should be about a measureable and provable thing that you can look at and say yes this was right and this was the way it should have happened and that it should progress that way. So anyways, at the of the day, like I said, it is kind of a butterfly effect in that small actions are now large impacts and the idea that we do the right thing even on smaller things because I feel like what happened was this was a little bit of a smaller issue and it has been ignored and would have been something that nobody wants to step up and say hey let's do differently because like I said, although you might not see the eventual impact that it had, it can greatly affect people in very negative ways when you do this kind of thing and that is something that is important. I

thought it was so important that I relayed this to Kaj and I wanted to try and gain more like to impress upon everyone that this really is something to address and do differently and so I had in fact purchased Kajdentler.com and removekajdentler.com because initially in part my petition with him, the idea that the town manager won't act, then maybe he is not the right town manager for the town of Leesburg, but I do like Kaj [inaudible] and I offered to transfer the domain names so I am not going to do anything with them. But it is just the idea to impress upon you guys that I just have no words and I am sad because I have been a very proud Leesburg resident and I am very sad to see the Town of Leesburg do this. I feel as though I have been beaten, but I don't know what you guys have won because it was never a competition. It was about trying to work together and exceed expectations and make the town a better place for, you know, everybody. So, anyway, thank you for your time.

The Petitioners Section was closed at 8:26 p.m.

9. APPROVAL OF THE CONSENT AGENDA

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

- a. *Initiating 2015 Zoning Ordinance Batch Amendments*

RESOLUTION 2015-093

Initiating Amendments to Various Articles and Sections of the Leesburg Zoning Ordinance as Part of the 2015 Annual "Batch Amendments Addressing Minor Changes to Implement Town Plan Goals and Objectives, to Make Corrections and Clarifications, Changes Necessary to Comply with Annual State Code Legislative Changes and to Address Minor Town Council Directives

- b. *Leesburg Executive Airport Master Plan Update and Stormwater Management Plan Study*

RESOLUTION 2015-094

Grant Agreements with the Federal Aviation Administration and the Virginia Department of Aviation for the Airport Master Plan Update and Stormwater Master Plan/ Drainage Study Projects

- c. *Lower Sycolin Sewage Conveyance System Phase II – Construction Contract Change Order #1 Authorization*

RESOLUTION 2015-095

Lower Sycolin Sewage Conveyance System Phase II Project Change Order No. 1 for Construction

- d. *Encroachment Agreement Between Town of Leesburg, Panda Stonewall, LLC, and Dominion Virginia Power*

RESOLUTION 2015-096

Authorizing the Mayor to Execute an Encroachment Agreement between the Town of Leesburg, Panda Stonewall, LLC, and Dominion Virginia Power (“DVP”) to Allow a Reclaimed Water Line to Cross DVP’s Easement

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 6-0-1 (Burk absent)

10. PUBLIC HEARINGS

a. TLZM 2014-0005 Patriot Self-Storage Park

The public hearing was opened at 8:36 p.m.

Michael Watkins gave a presentation on the rezoning application TLZM 2014-0005 Patriot Self-Storage Park to allow a five-story storage facility in the Crescent Design District along Fort Evans Road, N.E.

Key Points:

- Three-stories are allowed by right in the Crescent Design District.
- Application includes two five-story buildings which requires rezoning for the fifth story.
- Location is on the south side of Fort Evans Road immediately adjacent to Homewood Suites and Hampton Inn.
- Single family attached and multi-family residences are across Fort Evans Road from the site.
- Zoning Modification is being requested to allow a portion of the building to be set back from the street further than permitted.
- Set back area will be a plaza/courtyard.
- Zoning Modification is being requested to include seven additional parking spaces.
- Zoning Modification is being requested to include additional loading spaces due to the use for the site.
- Zoning Modification is being requested for the parking buffer, which will be cured once the applicant obtains the property immediately adjacent to the deficient buffer.
- Zoning Modification is being requested to allow tinted glass which exceeds the light transmission requirement, which is appropriate for the use.
- Zoning Modification is being requested for an increased cornice, which is appropriate for the five-story height.
- Zoning Modification is being requested for the entrance requirement, which is appropriate for the use.
- Zoning Modification is being requested for window requirements, which is appropriate for the use.
- The Planning Commission recommended approval.

Council Comments/Questions:

- Mayor: First, the color of the building has consistently been fuchsia. Is that what we are looking at?
Staff answer: It is a red brick.
- Mayor: And we are looking at a reduction in the normal buffer between the closest building to Fort Evans from about 58 feet down to 30 feet? Is that what I understand?
Staff answer: Normally, again the building would occupy 66 percent of the frontage requirement and in fact that is being reduced. There is 58 feet that is occupied here then there is a reduction in the setback of 28 feet, so it is pulling the building 28 feet back from the build to line. You don't have a front yard setback, you have a build to line so in mitigation the building's max along Fort Evans Road and meeting the required frontage elements, there is a recess of the building that pulls a significant portion, at least half of it back off of the build to line to provide the courtyard.
- Mayor: So, how far is the closest building to Fort Evans Road? What is the actual distance?
Staff answer: It is 14 feet from Fort Evans Road – that is the property line, then 20 feet to the curb and gutter of Fort Evans Road.
- Mayor: Then, the height is being measured in terms of stories rather than feet?
Staff answer: It is five stories, 62 feet in height.
- Mayor: Is the 62 feet a maximum?
Staff answer: The maximum for the district is 70 feet.
- Mayor: Could those five stories occupy 70 feet?
Staff answer: Based on the concept plan the applicant has proffered to, no. The maximum building height would be 62 feet.
- Mayor: Alright and the by-right height would be 45?
Staff answer: Yes, ma'am.

Tom Chamberlin, the applicant, presented a synopsis of the history of the property that he owns with his son. He noted that they are contract purchasers of the property to the west of the subject site. He further noted that they are the only owners of the property and the self-storage business would be family owned and operated.

Council Comments/Questions:

- Dunn: My questions would be for both the applicant and probably staff. So, they are intermixed. I will just go down the line. What is the zoning of the property just west of this one?
Applicant: That is B-2. Or it is CD [inaudible] Crescent Design, the property west towards Market Street? That is all part of your new zoned Crescent Design District.
- Dunn: Staff, do you have anything to add to that, because I think the Crescent Design is more of an overlay. That is not the actual zoning of that property.

Staff answer: The Crescent District did establish some actual base zoning districts, so it is not an overlay, it is the zoning for the properties that were zoned crescent.

- Dunn: So, that's commercial also?

Staff answer: Directly across the street – obviously, is the apartments. You see the zoning is R-22.

- Dunn: I think just so we are clear, and this probably isn't the best map, if you could go back to the previous slide. That will work. There is an existing building on that lot and it was said that some portion – there is going to be an entrance way that leads to that lot.

Staff answer: Are you talking about right there, that building?

Applicant: That is under contract. I bought that from my partners years ago and moved my business into it, sold it to my brother and now I am buying it back from his firm, CWC. It is under contract and will settle this year.

- Dunn: The reason I am asking because I am just wondering why there is an entrance way going from one property to the next and then also what the need would be for the buffer if the applicant is planning on holding that property or combining it with this property. So, do we need the buffer if it is all owned by the same applicant.

Staff answer: If it is on two lots and there is separate parking lots, which I think is what you are going to end up having here, you would have the buffer down the property line, so it is a five foot interparking lot buffer. The entrance was put there because one thing when we look at things in the Crescent Design District, we want to make sure there is that lot/interparcel connectivity to help move things around and that is really one of the reasons we are asking for it here.

- Dunn: Do we know what is anticipated to go there.

Staff answer: I think we have some idea, but I don't know what Mr. Chamberlin – what may go on the CWC property.

Applicant answer: I would be happy to tell you if I knew. I don't at this point and if I have two things that are working. I would rather not disclose. I do not have a firm answer. But, we will own that piece. It will all be part of the whole, it is just that it is not today.

- Dunn: Okay. Again, I was just wondering why there was an entrance where you wanted to connect the two.

Applicant: It is so that it connects to ourselves.

- Dunn: What is the number of floors and the height of the hotels?

Applicant: Hotels are four floors.

- Dunn: I'm asking staff on that. You don't have to give every answer. We are paying these guys.

Staff answer: The building height for Homewood Suites is 44 ½ feet. The Hampton Inn is 45 feet and then the Commerce Center Buildings are also 45 feet.

- Dunn: Okay. What type of lighting are we looking at for the subject property. We've got either one, it doesn't matter. We have got darkened windows and my concern is – that's why I want to ask about the lighting, is

while the design features look great for a storage facility, as storage facilities go, it looks to me still very institutional and I am using institutional as a broad term, so I was wondering what the lighting is that doesn't make this be a big, dark block at night.

Applicant answer: One of the things that I have been particular on there are certain windows that are at the end of corridors in the floor layouts – those are windows that we can handle. Those have lights in so we can light them at night, you don't see a dark mass. The ones that are the windows that are behind the area you might be leasing for storage. I can't get to those because the person who has the lease on it has me locked out. So, those windows, I can't easily light. I can't replace the bulbs if they burn out. I think the main thing to keep in mind is it is security is primary in this particular operation, as you understand and it is sort of like a blow up of a lock box at a bank – a safety deposit box. Just bigger. Same type of security. Same everything.

- Dunn: What is the – you know every building tells a story and being in a historic town, we try to – especially when we are looking at things like form based code or H-2 guidelines. In this case, Crescent – what is it called? What do we call them in this area again? It has been multiple things over the years. What are we going for here? What is the story this is telling because when I look at a design and I agree some of those pictures made it look like a watch tower and it did kind of give it with darkened windows, framed, watch tower. It kind of – I don't get down there often, thank goodness, by the jail at night, although the jail is actually pretty well lit at night. Everyone sleeps with the lights on, I guess, over there, but anyway, my concern is that I don't want it to have an institutional look and then when I have bricks where it looks like you had an entrance way, because there was activity, but now we have bricked it up, it kind of reminds me of what an old mill might look like. What are we going for? What is the story we are trying to tell, that we are creating with this design? Other than, we are faking out as far as storage facility.

Architect answer: I am Doug Brewer, president of W.A. [inaudible]. To answer your question, within the Crescent District, there is allowance for – when you are further from the center of town, the design is not to recreate a classic building on the outside. What we are trying to do is play homage to classical elements. The base [inaudible] horizontal banding on that base. The openings are [inaudible] for security of your goods, rugs, furniture, whatever, promise they are going to be kept safe [inaudible]. The effort to create the illusion of there was something there and over time it changed as a lot of buildings do, that those openings had been filled in, but the remnants of them are still there. You do have in your packet – you were asking about the height of the building. It is not [inaudible] an elevation from the back of the building from the bypass that compared the heights of the hotels and [inaudible] because of grading, we are down several feet from the adjacent property, so the parapets of the building are almost at the same elevation [inaudible]. It is a tough comparison from the front because this is right up on Fort Evans, the other one is back [inaudible]. It is not a comparison that you can easily make. [inaudible].

- Dunn: And I have seen this type of design before, in fact I was just down in Arlington the other day and it was some type of a restaurant that was new but it was made to look like it was probably an old mill that had been there 100 years, but I know better and they used that same aspect of bricking up entrances. This would have looked like windows or maybe how you might have had an old crane that came out and would drop hay down or something like that and it had a bar sticking out and it was all bricked in, but I am wondering why we would want to have a former mill look in this area that generally what is there currently is we have some residences across the street, but then the other businesses that are on that row, we have a couple of hotels, which have active windows all across the ground floor and above and then you go down further and you have currently some office buildings. I think most of them have or at least a few of them have entrances right from the ground floor directly into their offices. Then we have the animal hospital that has a completely different look, but again they all have a look of activity versus an old mill look. I was wondering and I think you may have had one of those renderings, which you showed putting awnings up over some of them, but I think the awnings I think were still over bricked up entrances. I would recommend the possibility of still keeping the security of your building there but instead of using bricked up entrance, I know if you go just even down to Brambleton, their town center, I believe it is the Harris Teeter, if you go around the corner, it is a grocery store, but if you go around the corner, it looks like there were five shops that were there. They have glass and it looks like there is a doorway and a storefront window and they have a couple of different facades to give it some depth, but it looked like they are – they are closed now, but it had some life to it and those windows are also lit at night, so it just looks like the shop is just closed. I would recommend something more along that line. I am just concerned that this really has an institutional look. It is going to dominate that streetscape. It is right at the gateway of our town and I am concerned with it still having that jail look – that institutional type look to it. Again, as storage facilities go – wow! We are not a storage facility. You are definitely saying this is not a storage facility, so you have gone a long way, but I don't know if this is the – I don't know if this is the story we want to tell. As I said, every building tells a story and I am not sure if this is – as storage facilities go, yeah, wow, this is great, but I am not sure if the end result is the story that we want to go is the old mill look because there is no other old mill look there. We did have a development that we approved years ago – it hasn't gone anywhere. I don't know what we called it – Katie, the Waterford Project that was going to be on South King Street – what was that going to be called? Do you remember, right there along the creek? I forget what we were going to call it, but that was going to have this kind of former mill look, but that is a very industrial area, even currently, so I don't think there is a lot that would have to be done with the design, but I think if there is something that gave it maybe a little bit more life and I am concerned about those dimmed out windows too.

Architect answer: I think there might be some opportunity for that – we tried to scale those openings as if they were storefront openings – but they aren't –

12 foot by 12 foot or 10 foot – big overhead door openings [inaudible] design with arches and lintels [inaudible].

- Dunn: Like I said, is if you make it look like a storefront that is bricked up, now I have got what happened to the stores. Why are they bricked up? What is going on in this town right as you are coming into town, because this won't be missed at all when you drive into town. It is going to be right there.

Architect answer: The other component to this is some of these elevations are on property lines or 200-300 feet back from the street. They are interior to the project and it was a value judgement to say these are the ones that we are going to glass in and these are the ones that we need to give the appearance of [inaudible].

- Dunn: Again, for me, I mean I don't see myself saying no to this; however, I would and it depends on what the rest of Council feels, I would rather see a little bit more life on that ground level and the bricked up entrances does not speak to that. That's me. I'm goofy that way, you know. That's my recommendation. Let's see. Did you have any renderings other than bricked up entrances. I know you had some with awnings. You have one – what page is that Kaj, that you are looking at. You have some that show awnings over slide 31. Do you have that guys? Are those going to be actual entrances or is this going to have just one entrance? See at the top, are those all actual entrances?

Architect answer: Yes, that is the [inaudible]. What you are seeing there, the whole brick wall that separates the courtyard area from the sidewalk.

- Dunn: So, on the other side – everything you see there, with an awning and a doorway is an actual entrance? Okay. Is there a problem to put something like that on the other side, but it just always locked? Do you ever seen anybody actually going around to the otherside of the building trying to get in? I wouldn't. Would it be a problem doing that on the other side, then. It is just always locked and actually there is nothing behind there behind even glass. It can be brick, but one foot back it is brick wall but in the front it looks like there is storefront with an awning.

Architect answer: Because of the type of construction that it is, to make it economical, we have bearing walls 25 feet on center, precast concrete [inaudible]. We are sort of locked into certain type of construction. Moving things in and out creates problems structurally [inaudible]. So, when you are in your storage unit, you see nothing but a block – you don't worry about someone breaking a window.

- Dunn: Yeah. And you need the extra height to make this economically feasible?

Architect answer: You get two additional stories. We have a very tight [inaudible].

- Dunn: Yeah. Is this going to be a corporate or is this just an independent storage facility?

Architect answer: These are the two owners right here.

- Dunn: What's the name of the storage facility going to be?

Applicant answer: Patriot Self-Storage.

- Dunn: Oh, Patriot. So, it's an independent storage. That's all I had.
Applicant answer: We will own it. It will not be farmed out. It will be family owned.
- Butler: Just kind of really one question. This is maybe a combination of staff and applicant answer. Was there discussion at the Planning Commission level of what would happen if the building height was reduced? Like 62 feet seems more than what is around there and that's the part that is really affecting me the most, I think.
Applicant answer: What we have applied for is the opportunity to use five stories. The three story is there by right. If you take the top two stories off, you build a third building, that's all. It is not very complicated. I think the advantage for you, the town, in this situation is you control what the building looks like. If you say, Tom, I don't like it. No. Then I simply build three stories. You don't have the option to say, I don't like it. You don't have [inaudible]. I build whatever I want.
- Butler: Whatever as long as it conforms with the guidelines of the Crescent District.
Applicant answer: If it conforms to the code, yeah. But you lose the opportunity to control the appearance, obviously.
- Butler: But we, the folks up here, I think more appearance to me begets taste and I am not very good at that, but I can judge height pretty well. So, anyway, the height is a concern. So, staff, was there a discussion at the planning commission about this, but the planning commission ended up giving five votes for a height of 62 feet.
- Dunn: Six.
- Butler: That surprises me. Six votes? 6-1 okay. So, it is surprising me a little bit. Can you fill me in on how that conversation went?
Staff answer: The Crescent Design district has architectural requirements, so as Mr. Chamberlin said, if you were to proceed in a by-right scenario, there would be a review by staff; however, it would be based on the requirements of the district. If they could not meet those requirements, they could ask for modifications that the planning commission would grant, but there are specific specifications they would have to make. The planning commission's discussion was primarily focused on that it meet the requirements of the district. They listened to a discussion – participated in a discussion regarding the architectural design. We presented the building to them. The applicant and his consultant presented the building. There are a handful of architectural modifications, but when it came to the discussion regarding height, there weren't a lot of specific comments made. There were some general comments that, you know, just concern of the mass of the building. We presented the modification that the applicant is pursuing, and that was the courtyard – the 50% modification. We recommended that was an appropriate treatment because it mitigated the mass of the building along Fort Evans Road, but in terms of the overall height, it is your purview as the town council to prevent additional building heights. The applicant is here before you making petition for it and we are here to answer questions you may have, but

there weren't any specific on-point discussions other than just concerns with the general mass of the building. The overall height wasn't specifically targeted or discussed.

- Butler: This is for staff. What is the height of the overpass to Rt. 7?
Staff answer: The elevation of the roof – in front of the property on the bypass side – I will get you a graphic, so you can see. So, here the actual elevation of the bypass is approximately – let's call it 338. I did the little CAD exercise thing – if you take the finish floors and the building heights, the top of this building is 394. The top of Homewood Suites is 380 and the top of the Hampton Inn is 385. So, if you are looking for differences in height, there is basically a 13 ½ foot difference between Homewood suites and the proposed building and there is approximately 9 ½ feet vertical difference from Hampton Inn to the proposed building.
- Butler: That's the height above sea level?
Staff answer: Correct.
- Martinez: I noticed that across the street there, are those residences single family homes or townhouses? Or all those townhouses across the street?
Staff answer: Yes, sir. Across the street these units are townhouse units. These are apartment buildings.
- Martinez: Then on the businesses, the hotels – have they had any concerns about the mass?
Staff answer: I have not heard from the adjacent property owners.
- Martinez: Have they been asked?
Staff answer: They were notified of the public hearing, yes.
- Martinez: I would say that my concern is that there is the mass and the height and I will just have to think about it. I think it might be a good idea to put it on the next work meeting so we can discuss a little bit more about that. That's all I got. Thank you.
- Hammler: Well, I'm looking forward to hearing from the public, so I will defer any further comments until after that. Thank you.
- Fox: Just a couple of clarifying questions. When staff made its presentation, they said the intent of the Crescent District – this rendering meets the intent. Can you explain that to me?
Staff answer: So, in our Crescent Design District, we had anticipated a higher amount of commercial density, residential density and with that an urban feel, so in terms of meeting the ordinance requirements, this meets and exceeds the intended density for the Crescent Design District. In terms of usage, it is a permitted use within the district so therefore it meets the intent of providing a commercial use and then in terms of opportunities to seek a different design approach than what is stated in the zoning ordinance, i.e. additional height, that is what they are here before you this evening – is to ask for that additional height. So, in terms of intent, we have got the commercial use, we have commercial density, we have got an urban feel to the project.
- Fox: And one other quick question – did this go before the BAR by any chance? I had a question about the tinted windows and I just don't remember this.

Staff answer: It is outside of our H-2 and H-1 Districts and not referred to the BAR.

- Fox: It is. I was just wondering about the tinted windows and I know that there are issues with that. There are some Oaklawn projects that have the tinted and the glass – you know the reflective mirror glass and those kind of things aren't allowed either, so I was wondering how that was allowed here. Staff answer: So, the tinting, we do have a prohibition in the Crescent District with that mirrored look. It is basically a light transmission, so the windows in the Crescent District are intended to allow light to transmit through up to 70%. If you exceed that transmission, because you want folks to see inside the building, then you have to ask for the modification and in this instance, they are exceeding that 70% light transmission. The justification I think that they are asking for – or compensating feature is the fact that it does replicate the fenestration pattern that we want to see on buildings and they are unable to do those open or live windows based on the use of the building.
- Fox: And just one more quick question – I don't think I understood...the property just west of this property where the home sits. That belongs to the applicant as well? Correct? And when I took a look at the flyover, when you were putting the flyover, having us look at from the different angles, I noticed that there was no buffer, which was something that Tom addressed. That is going to remain that way for the time begin until something is done with this other property?
Staff answer: Yeah, I made the reference earlier, with our [inaudible] zones, we have much wider buffer yards based on uses. Here in the Crescent District, the intent was not to look at the use of the building – it was principally based on design – how well they designed the exterior of the building but we did want to provide opportunities for open space, green space and necessary buffering so this for instance, we did have an existing single family detached home that I don't think the applicant intends to keep long term; however, in the interim, following back to our ordinance in the Crescent District, that five foot parking lot buffer screens vehicles because again you want to hide those, and provides some opportunities for those open spaces.
- Mayor: Mike, when you use the term Euclidean zoning, are you just trying to let us know how smart you are?
Staff answer: Sorry.
- Mayor: That's okay. I now know what it means. I, too, am very concerned about this height and how close such a high building is to the road, especially because you have much, much lower townhouses right across the road from this and I think this is going to be the dominant project on Fort Evans, should it go forward. I don't have a problem with dividing it into three buildings and keeping them to a much lower profile even if the Council loses some level of control over the aesthetics of the building, but the district, itself does build in some controls on the esthetics. So, I am not worried about that, but I certainly would support Marty's proposal that we defer this. I would like Mr. Chamberlin to be able to prosper from this project but the indication I got is that he could do so by building perhaps three much lower by-right buildings

rather than two very, very massive, of course, much higher buildings, but we have got members of the public who have signed up to speak and we will turn to them right now.

Stephanie Chris, 105 Meadows Lane, NE. “I live across the street in Loudoun Hills in the townhouses. So, a lot of my questions that I had come in with were addressed to Mike, but just to say I am really concerned about the height. It does seem massive compared to the other things in the area including the townhouses.”

John Ecker, 143 Meadows Lane, NE. “I had the pleasure to attend both those planning commission meetings and I was also surprised that nobody addressed the height of the buildings and they passed it 6 to 1. That’s why we are here this evening. Like I shared with you, I hope you read my emails. I know a few of you have acknowledged them and I bored you with a lot of research and a lot of details. My concern is these two buildings are probably two of the largest buildings that would be constructed within the town limits. I know of only five story building and that is the Loudoun County government center and then the potential courthouse project that is pending at this particular point. I have major concern with the height, and the size and the location of these buildings because Loudoun Hills is a townhome community of 131 units and our only entrance in the community is at this location where this 60 foot brick wall will be staring us in the face at our stop sign every morning going to work and I have trouble with that. They have done a heck of a job putting a lipstick on this pig, as they would say. But, I am here to express – I want you to deny this rezoning application and hopefully – the other concern I had, they have done this architectural fenestration. I am not too sure what that means, but they have offset the building in a location which is not necessarily directly across where the homes are. I would think why don’t you just move the other side back up? Still even if they did that, I would still be in opposition to a 62 foot building right at my driveway. Think of it as your driveway to your house. There is only one way to get in and this is right at the end of your driveway. So, I don’t care. Sixty-two feet and all the other buildings on that street are offset tremendously from the roadway edge. The hotels, I think, are up to 90 feet and we are talking about the Crescent District, where Mr. Watkins made a point that in this district we want to engage the street. Well, at this location, I don’t want you engaging the street. I would prefer you go do that somewhere else. As the applicant has stated, they are only looking to use three acres of the five acres they have so why are we trying to shoehorn these two massive buildings up on this site? With all that said and clarification of the slide show, Loudoun Hills is a townhome community, not an apartment community. Cedarwalk is a duplex community which is directly east of us. So, I thank you for your time. Once again, [inaudible] thank you. I look to you to deny this rezoning application.”

Jackie Jackson, “I am a homeowner and a resident. I am directly across the street from the proposed property to the left. I would be remiss if I did not say that I have great concerns over the height of the building. I am also concerned about how close the building is to the street. There is a fine line between residential and commercial and we have to share that part of the neighborhood and we would like to

see it preserved some type of [inaudible] there in that area. So I ask that you take a little time and reconsider and to work with the proposal just to get the best fit for the residential community and the commercial community. Thank you.”

Oscar Jimenez “[inaudible] houses [inaudible]. Unfortunately, those [inaudible] think about it [inaudible] person in the house. I appreciate it. Thank you.”

The public hearing was closed at 9:44 p.m.

Council Comments/Questions:

- Dunn: If this were to go by-right, and the applicant were to build three buildings what design features would we lose that had been voluntarily added? Would we lose any?

Staff answer: I don't think you necessarily lose anything. They lose the right to build to five stories. The set back, if the applicant were to bring in the adjacent property, they might be able to meet the frontage requirements and not have to do the setback. If I were to say that you might lose anything it is the setback that is included now. Otherwise, they would still operate under the ordinance. They would still have to meet the frontage requirements. They would have to meet the architectural fenestration window requirements, entrance requirements, materials requirements, and then if they can't meet those, then the modification requests go to the planning commission and the zoning ordinance has guidance for how the planning commission is to proceed with the modification requests.

- Dunn: If it was by-right, the proposed window tinting would not be allowed. Staff answer: They would have to ask the planning commission for a modification.

- Dunn: Okay. However, would they be required to have as much window exposure as there is?

Staff answer: I think overall, Council Member Dunn, is the council loses the ability to kind of tweak – to kind of participate in the tweaking of the building. Under a by-right scenario, the planning commission then steps in in looking at the modification requests, so I think again to try to answer your questions, it is that step back feature that is there now and then the ability to kind of enhance or participate in the modification process. That is what Council would lose.

- Dunn: Often when you see storage facilities, they are cinderblock, corrugated steel. Is that going here by right?

Staff answer: No. I think the general appearance would stay the same. I think a challenge for the applicant and council is to kind of marry the intent of the Crescent District and the purpose of the building and that is what we expressed to the applicant when they initially started was you are trying to marry and meet the intent but it is a purpose built building. So I think that is a challenge with this application – to try to meet the architectural design intent and to allow the proposed use, which is kind of plain Jane.

- Dunn: By right would they be able to fit and I have no idea what the square footage would be – would they be able to fit – and the only thing I could think of is you would put the different mass of those two floors in between what is sitting there now – those two buildings.
Staff answer: You would have to open up the other property because right now the footprints and the parking – obviously you would lose a little bit of the parking based on the requirements of the district but you will notice highlighted in green – this area here – although there is a little bit of land disturbance there, it is kind of untouched. That is because of two things – one, stormwater management. They have to manage their impact on our stormwater management requirements, but more importantly, some of the credits that are built into those stormwater strategies is to leave existing treated areas on site. So, they would have to expand the limits of the property to get the third building.
- Dunn: And just so I understand you correctly – currently with the exception there is a greater setback from the street than what they could do by right. By right they could be right up on that 14 foot along the whole frontage.
Staff answer: Exactly.
- Dunn: Would they be able to go deeper than that. They could go as deep as they want, correct? But, if they wanted to they could be 14 feet along that whole frontage plus the sidewalk – 20 feet. So the setback is an advantage at this point.
Staff answer: Yes.
- Dunn: Question brought up by the public, Mike, and I am guessing what the answer is – the entrance being switched – putting the building on the other side of the property – putting the entrance there. It probably didn't work because of the other entrance from across the street – or was that even proposed?
Staff answer: It is more aesthetic and I think more the operation. If the applicant were to switch this around and have it right here and the bump out here...
- Dunn: Actually, I was thinking move the building all the way to the other edge and put the entrance up on the other side. You would probably have a problem with too many ingress/egress from other properties right there.
Staff answer: Yes, it is the separation between entrances.
- Dunn: And, let's see. If they were to go by-right, they basically would only have to come to staff if they went completely by right they would only be coming to staff to ensure that they were adhering to certain design features primarily?
Staff answer: Correct. We would operate as a team – the Department of Plan Review and Planning and Zoning would operate as a team to process the by-right application.
- Dunn: They would not need to go to planning commission or Council?
Staff answer: Unless they needed a zoning modification – it would proceed as a by-right application.
- Dunn: Okay. One last thing – what is the fencing that is around this?

Staff answer: It is an ornamental metal so it is not chain link.

- Dunn: Is it going to have spiked – security fencing? What is it, 8 feet?
Staff answer: I thought we had gotten a detail. It is on sheet 6. It is – it has kind of a curved metal, I'll say prong, not a spike, but a prong.
- Hammler: Before I start any questions, is there a motion to defer before we all continue to ask them?
- Mayor: We do not yet have a motion of any sort whatsoever.
- Hammler: Well, I feel rather ambivalent just given sort of the issue of it sounds like there may be majority support to help support a more by-right use that would not involve such a great height, so barring any motion, I'll just make a few comments. Just for my own personal edification, so just one question I had back of my mind is sort of the functionality of such a tall self storage facility in terms of the clients that would use it and maybe this is very commonplace across the country, but Tom asked from more of an architectural point of view. I was thinking just literally generally self storages are one floor simply because it is easier for the clients to get in and out of their units, so, I was trying to visualize wouldn't it be harder for the customers to have such great deal of kind of height or perhaps they would have take all their stuff and go up an elevator, but for me it would just be useful to understand the business model and just a short answer on that.
Applicant Answer: I'm not sure how to best [inaudible]. There are a number of such units built in Arlington, Fairfax, Merrifield. They are all – the ones in Arlington have a waiting list.
- Hammler: Okay. I just asked a short answer – there is a demand.
Applicant answer: [inaudible] and they are up to five stories, now functionally to work what I call the old type storage unit – the garage type, one floor, contractor offices, this is the exact opposite of that. They were, I hate to use the word noisy – but there was noise in there all the time. It doesn't happen in this type of facility. [inaudible]. It also doesn't leave one [inaudible]. It is a real storage facility. [inaudible] Aunt Minnie's wardrobe you inherited and you don't know what to do with [inaudible] but you can't give it away and you don't want to sell it so you put it away, out of sight, out of mind and this is the type of thing that these units, you know, attract.
- Hammler: Okay. Thank you very much. There is demand in Arlington. Appreciate it. Okie doke. Thank you.
Applicant answer: [inaudible] so this is where you put it.
- Hammler: Fair enough. To your point, I think that would be a better fit – as you pointed out earlier, less traffic, less noise. You did also say no water use. Just in general, we actually like water customers as it is good for our water utility, but no need to comment on that. That is just me making a general comment. I thought the [inaudible] was very telling. I don't know who produced it. Wow, well done. Just relative to us being able to visualize. So, where I am at in terms of this particular public hearing is just in light of the stark height relative to the concerns of the neighbors, that is where I would have the greatest concern. I do appreciate what you have brought forward architecturally and aligned with just keeping with the sentiment behind the

Crescent District. It is just that, you know, at the end of the day these folks live there and that would be just a significant impact for them.

- Mayor: I would just like to make a point that one of the goals for the Crescent District, in the staff report, is to regulate building height to achieve appropriate scale to ensure a proper transition to nearby residential neighborhoods. I don't think 62 feet does that. I think we need a [inaudible] scale here. I don't have a problem if a three story building is a little bit closer to the sidewalk than a six story or five story building because dealing with 45 feet 14 feet from the road is a whole lot easier, I think, for folks living across the street than dealing with 62 feet a mere, I think, six feet further back. If we were to vote tonight, I would definitely vote against this, but I don't know if Mr. Chamberlin wants a chance to come up with a different plan. There is probably not time in the time frame we have him to go by right, but I am happy to have this voted on tonight. I would be happy to make a motion to turn down the rezoning, but if Council would like to bring it back to a work session, I am certainly open to that.
- Butler: I'd like to bring it back, if Council is willing for a couple of reasons. One, the fact that these buildings are only 9 feet higher than one of the hotels makes me – okay maybe there is a chance, but I'd also like staff – maybe they can give us kind of a simile of what we lose if we vote it down – no proffers if we vote it down, obviously, and what some of the potential alternatives would be for three buildings instead of two. I wouldn't necessarily want staff to put a lot of time into that, but just more time than we have tonight to kind of – so we are really looking at our different options. That's all. I wouldn't expect it to be a long time, but that would be my preference.
- Dunn: I guess my question is I'm not sure what more we would get out of a work session, to be honest. I would put it more toward the applicants and I think that is what Dave was probably going at and that is I don't know if the applicant wants us to take it back and re-try it or – because I really don't know what else we would do other than saying deny it and then they go by right because they presented to us with a plan unless we have a similar idea under which we are willing to allow an increased height to me about the only issues we have got here are height and window tintage. Right? I mean what else is special exception on this? So, say again? Rezoning. Thank you, Counsel, as always. I stand corrected as you so much like to do. I don't know what we are going to gain from going to a work session, so it is either you don't like the height now and you are never going to like the height and you are debatable on the windows unless the applicant wants us to defer it and come back with something else. If it is really a height issue, that's not going to change. Folks, I have always gone by nobody likes a long term maybe. Give me a quick yes or no. Nobody likes long term maybes. So, if it is ready to be denied tonight due to height, then deny it. I don't know what else we are going to gain by a work session unless somebody else has some other ideas.
- Butler: I just wanted – staff can you put up that proffer summary slide? Just to make sure this is what we know we are not going to get. I did really like the animation.

- Dunn: I had another question too, for the applicant. If we were to deny this, what is your turn around time for improving the property with the special exception, which you have already gone through as far as architectural designs and so forth. What is your turn around time for what is being proposed or if you were to go by right. What is your turn around time?
Applicant answer: I think they are close to identical in so far as I understand your question. In other words, if you choose to deny it tonight, what you are talking about is two floors. Not the use, not the location, not anything. What you gain by your ability to see what you are getting is the benefit to the town. In other words, you control what it looks like. You control the appearance. What you [inaudible] is the building to be where it is with or without two floors on top. I think perhaps [inaudible] make you aware if you are not familiar with the site, the bottom three floors are basically because of landscaping which is either on top of the [inaudible] you are not going to see the first three, three and a half floors of the building believe it or not. They are just obscured except on the street frontage. That is the only place that these buildings are going to be visible. The side is entirely blocked by landscaping [inaudible]. The rear will be blocked by the same type of landscaping. I think the question for you is do I want to control what the building looks like or do I want to say, Tom go build whatever you want. Unfortunately, I don't intend this to be threatening at all, but we have gone quite far down the road in cost to improve the appearance of the building and that will be eliminated. Those costs will be taken out to allow us to be more competitive with what is on the marketplace. We have spent a great deal of money on brick and the exterior fenestrations which are part of it, which will not be there any longer for you. It is a choice that you have to make. Do I want control and have a, hopefully, attractive building or do I want to say go build it, whatever it is. That is what the choice really is. I would have to say from my standpoint, I don't think there financially is a big difference between not building the five stories. I use more land, but I reduce my cost to build it and it will not be as attractive. You are then becoming economically driven as opposed to architecturally driven. But that's what you have to weigh. I mean I am not going to go out here terribly disappointed and if you say no because I know what I can do. I know I can reduce my costs. I know they will not be as attractive. It still is a storage building and if that is what you need, really the appearance is not important. The appearance is important for you, the Council, and the neighborhood that you [inaudible].
- Dunn: For staff, and I think you said this already, but just to repeat it. Regardless of by-right or this rezoning, the landscaping stays the same. So, it is not like you can take down all the trees and now all of a sudden those three levels all become visible.
Applicant answer: The rest of the code applies, sure.
- Dunn: Okay. I hate to tell you this, but you are making it easier for me to vote for denying it because if I can't see the bottom three floors because of the landscaping, then I guess it doesn't matter what it looks like. In essence, since you just took the top two floors away, now I don't see the bottom floors

anyway so you are making it easy on me, so anyway, I will let Council decide which way they want to go and I'll probably fall in with the rest.

- Applicant: Would the Council consider the following suggestion off the top of our head? Three story building in the front – five stories in the rear?
- Mayor: I think the Council would probably consider any suggestion. We would want to take that up, I would think, at a work session and probably not tonight, but yes, I think Council would consider anything you want to bring forward.

On a motion by Council Member Butler, seconded by Council Member Fox, a motion was made to defer this item to the next work session.

The motion was approved by the following vote:

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

Nay: None

Vote: 6-0-1 (Burk absent)

11. RESOLUTIONS AND MOTIONS

- a. Appointment of Council Members for a Joint Meeting with County on the Courthouse Plan Approval Process

Council Comments:

- Hammler: Just in terms of protocol, you know, if the mayor and vice mayor want to participate, I think that would be one avenue. I would just throw out that I just on a day to day – so that would be – Kelly is not here so I don't know if she would be interested.
- Fox: If Kelly is not interested, I would be interested in serving on that.
- Mayor: Does anyone want to make a motion or would you like to defer this until the Vice Mayor is back?
- Dunn: I would suggest going forward.

On a motion by Council Member Butler, seconded by Council Member Fox, the following was proposed nominating the Mayor and Vice Mayor, and if the Vice Mayor does not agree, to nominate Council Member Fox as representatives:

RESOLUTION 2015-097

Appointment of Council Members for a Joint Meeting with the Loudoun County Board of Supervisors to Discuss the Plan Review Process for the County Courts Expansion Project

Council Comments:

- Hammler: Just for the record, if it is helpful it would be useful whoever is on the task force just to let the Council know what the outcome of any meeting is. I see Ralph Buona every single day and he is the head of the Finance Committee. I also would be happy to help behind the scenes.

- Dunn: The only thing I would recommend is I don't know that we have any formal direction for these two representatives so it would be more of an information gathering than anything else at this point.
- Mayor: The only direction that the Council has given, but it really has been from the Council as a whole to staff is to make sure we expedite the Courthouse expansion project and staff is every aware of that. The Chairman of the Board of Supervisors has shared with me he feels and I agree with him, that the two staffs, town and county, are working well together. Town staff at this stage is ahead of the county. The town manager does not foresee any problems but he knows that if it looks like we are dragging our heels on anything the Council will weigh in and urge staff not to do so. But that is where we stand now. So, as I said, I don't know that the County will want any kind of joint meeting. The chairman is not enthusiastic. He feels things are working well right now. But, if there is a need for further direction other than just please expedite, I would expect Kelly and I would come back to Council. Otherwise, you are right, Tom. It is just information sharing.
- Dunn: And the only thing I would mention too is from what I have heard, they have said – the ever present they, that there is concerns about the processes involving the BAR maybe planning and we have to give our public bodies their due. I can see [inaudible] processes with the staff, but to try and force something down some of the public bodies, I would not recommend that.
- Mayor: I totally understand.
- Hammler: If I may, seeing as I am not officially voting to a different position, Suzanne is the liaison to the BAR, so it makes sense for her to be the other person. Maybe we shouldn't even assume the vice mayor would even be available, so I would certainly support Suzanne being the second official member to the task force. So that's my friendly amendment to Dave.
- Butler: That's fine. Does anybody know whether Kelly has a real...
- Mayor: We can always amend this if the Vice Mayor gets back and says no way do I want to do this at all. At that point, we can substitute Suzanne.
- Butler: I'm okay with the friendly amendment.
- Mayor: You're okay, so it would be the mayor and the representative to the BAR.
- Butler: Because you are the representative to Planning, so then Planning and BAR, that doesn't sound unreasonable.
- Fox: I'm okay with that.

The motion was approved by the following vote:

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

Nay: Martinez

Vote: 5-1-1 (Burk absent)

b. Civics Education Program

Chad Runfola, principal of J. Lupton Simpson Middle School, gave a brief presentation about the proposed Civics Education Program to involve Simpson Middle School eighth grade students and Morven Park.

Abby Pfisterer, Director of Morven Park's Center for Civic Impact, stated that her job is to help young citizens to learn how to get involved in issues in their communities and beyond. She noted that this program will involve 60 students and give them the opportunity to see their local government in action as well as feel as they are part of it.

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

RESOLUTION 2015-098

Authorization to Host a Civics Education Program in Partnership with Morven Park and J. Lupton Simpson Middle School

Council Comments:

- Hammler: I would just very much appreciate the unanimous support of my colleagues tonight. I wanted to say thank you so much to Principal Chad and Abby Pfisterer from Morven Park. They have been tremendous leaders – have been willing to spend just a great amount of time and energy and creativity to design a pilot program that we are targeting for October 2, so we would ask that you please mark your calendars, but we will bring in 60 eighth graders from Simpson Middle School for a very active program. As you know the Board of Supervisors has a similar sort of outreach to youth for high schoolers, but we thought this would be a great stepping stone for their continued education because in general there is an emphasis at the federal level for government, but in fact participation at the local level is the best way for individuals and certainly youth to make such a difference in their community. I think that the significant benefit for us is that besides the fact that the youth in Leesburg are in fact our constituents that they are going to bring great ideas because I think what you are going to see is a very active program and they are going to come back and design a resolution and figure out who is a petitioner and how they manage budgets and then they are going to actually train and communicate to their seventh grade colleagues about what they have accomplished and the other related goal is that there is a annual “If I were Mayor” essay contest sponsored by the Virginia Municipal League and we would like to get the word out to all middle schools about that essay contest. I think they are going to inspire each other for that. And finally, I think that they will be great opportunities in the future as we hopefully roll this out to the other schools to perhaps get partnership with the school system, with the school board, perhaps even private sponsors as well and I do know that our superintendent, Dr. Williams is very supportive of this because of his “One to the World” initiative to really engage kids in a very active way towards concrete solutions, so I appreciate your support.

- Fox: I feel that any initiative involving youth and civics is a good thing. I have my own daughter who is was in Simpson Middle School – actually all three of my daughters went to Simpson, but I have to say that Sydney was actually privileged to be Mayor for a day and that really impacted her a lot. So, I know that Civics education for the youth is very important. I saw that in elections past and things like that and that’s why I gladly second this.
- Martinez: Having had my daughter, I don’t know you remember, Whitney participated in an event like this from Heritage and then my granddaughter, who actually I was trying to find a picture – she was actually up here sitting behind my name tag and participated. I think it is wonderful that we do things like this and gives our children the idea of how government really works and I am really looking forward to this – being more active and getting more participation.
- Butler: I think this is a fantastic idea. I got to do something like this when I was in eighth grade and trust me, they will remember it for a long, long time. I think that was back when the Whigs were still a party. I am disappointed though because my two kids are – two years ago they would have been in Simpson in eighth grade and they would have loved to do it. But, congratulations to the kids who will be able to do this great thing. One question is I was reading the report that we got and it wasn’t clear whether Council members were going to be able to participate. Is that something that – I know we wouldn’t be active, but can we, you know, sit in the audience and jeer them or whatever?
Staff answer: Absolutely and we see a role for all that – almost be a shadow mentor for different [inaudible] participation. All of the details are still being worked out with the staff at Simpson and Morven Park, but I definitely hope [inaudible].
- Butler: Alright, because it just sounds like a ton of fun for the eighth graders.
- Mayor: The big eighth grader to my right.
- Dunn: I think this sounds like a great program. My son is in eighth grade at Smart’s Mill – the other guys. And it was good to hear that they were able to take part in something like this last year. It would be nice if we could find a way of allowing this to be a program that is open each year to all three middle schools. I don’t know what the resources would be needed for that, but maybe the three principals can get together and see what they can work out. By the way, did you live in New Hampshire? You were from Hampton? Okay, well I had 13 years in New Hampshire myself – down the road in Derry. New Hampshire is just north Boston anyway, so it is nice to hear that. I look forward to it. Anything I can do to help, I would be willing to do that and again if there is anyway we could open this up, maybe next year and the years after that to each of the schools, I think that would be great. It is a good thing my son is not taking part this year because he would probably be opposition research person or something, so I will say that it was good to see today that the first homework he brought home was from Civics class and I told him that – I asked him how are you doing in history – I don’t have history, I have civics. I said well civics is the history of government, so I am

glad he is taking part in that class and that he already has got homeworks, so that's good, but I hope everything goes well for this.

- Mayor: Keith and Kaj, my understanding is we can probably accommodate this one school but if we were to expand it, it is going to – we don't have the resources to expand it at this time, am I correct in that?
Staff answer: That is correct. We are comfortable with managing this program. If it grows, I am concerned with the resources. We will have to address that later. We will just have to be creative if you want to expand it.
- Dunn: Maybe do it at different times of the year.
- Mayor: It's a possibility. Katie, I think it's a great idea. I plan to support it.
- Hammler: Just for the record, we did in fact try to include all the middle schools. Just again want to thank Mr. Runfola for stepping forward and his tremendous leadership to be part of the pilot program because the goal really is to get greater awareness about how important this type of active program really is to the overall community and I think being able to address resources is a really good problem to have. I think it is an important part of our mission as Council members to train the next generation of folks who are going to be sitting up here. So, thank you all very much for your support.

The motion was approved by the following vote:

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

Nay: None

Vote: 6-0-1 (Burk absent)

c. Leesburg School Capital Intensity Factors

Council Comments:

- Mayor: The basic question is do we want to adopt the reduced county number – it went from over 29,000 down to over 19,000 for I think the single family detached. So, the question is do we want to adopt the county's current numbers?

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

RESOLUTION

To Update the School Capital Intensity Factors Previously Approved through Resolution 2005-111

Council Comments:

- Dunn: In our discussions of this, I couldn't find any real reason for keeping it at the higher levels. The funds that are being reduced are basically the county's request and we are paying the funds to the county. I couldn't see any reason for us holding on to those funds other than just the desire not to let people have some of their money back so I heard in similar discussion I heard anecdotal comments about money towards bathrooms and I mean if our kids

need bathrooms fixed up, then we need to get the county to fix them up and not have to try and charge more funds that may or may not get used or going to be stored [inaudible]. Anyway, the county is requesting it. They see what their needs are and I think too that just from some of my experience at the county level, they are finding that they are not needing as many school sites as they thought they would. I am seeing developers coming forward with proposing future school sites in an effort to get projects done and the county saying we don't need it. One of the ones that just got approved was – what's that one called that is by Dulles – Water something. The larger one that is down there. They had two school sites that were in that and the school system is saying we don't really need them. In fact, one is going to be a park until at some time that the school system says okay we could use it now. So, we do have a declining school population and yeah, I just think we should fall in line with what the county is asking for and keep in mind when we ask for extra funds, the idea is we are always sticking it to the developer. You never stick it to the developer, you stick it to your future voters. They buy those homes. They buy those commercial properties. That developer now has to raise the prices on to get those – they are never going to just eat fees. They are going to pass those fees on to their buyers. So, when you say hey we want to charge the developers more, then it is just charging the potential buyers. Now, if the effort is to charge extra to get the developer to not build at all, if you don't want the developer to build, then create another guideline, but don't try to use this as a way of stopping development, because it doesn't work. But anyway, we will go with what the county is requesting.

- Martinez: I agree with Tom on most of what he said. I think we have to understand that these – what we need to do is have these factors have the flexibility to be increased if all of a sudden there is a need to do it and that we tie them to the county's factors so that way when the county increases it, we will increase it or was that already built into the resolution, Kaj? It's not?
- Mayor: I don't think we had an automatic provision, do we?
Staff answer: No. Susan is indicating no.
- Martinez: Tom, would you agreeable with a friendly amendment to tie our factors to the county's and when the county raises them, we automatically raise them?
- Dunn: I guess we don't do that currently, but how often do we change it?
- Martinez: They are looked at every year, are they not?
- Mayor: Theirs says every two years. We are going to have to check the legality on that.
- Martinez: Okay, then I'll withdraw the friendly amendment and we can talk about that at a later time.
- Butler: I am not comfortable with this. I have been doing some analysis over the last month and what I was able to download from the Board of Supervisor's website the numbers all added up and it was a very simple calculation. The assumption was that over a planning horizon, Leesburg would need one elementary school, no middle schools and no high schools. So, I checked, with Dr. Adamo's help, I checked the public school CIP and it

is not clear that matches what I just said about the one elementary school and so you were saying that the Leesburg district doesn't match up with how the Public Schools plan it and what I gleaned from the public school CIP is it is not clear that they are taking into account any of the by-right residential that we have in the town. So, in theory we could have a lot of a by-right residential in the crescent district and like I said, it is not at all clear that any of that has been taken into account. So, at any rate, I don't feel comfortable with just blindly going with the county. They could very well be right, although I don't think it matters a whole lot whether we pass this or not because it is a resolution so next meeting we could pass a different resolution. I don't think you need a public hearing or anything like that for this, right? So, either way I am – I'll plan to vote against this tonight and I will continue my research to ensure that there is no mis-assumptions on the account of either side of the county.

- Hammler: Last we discussed intensity factors, we did not move forward a budget item, which I think would have been helpful understanding kind of the pot of money that the developer contributes towards capital intensity factors that would have a positive impact on Leesburg and absent that information I don't feel comfortable. I can vote tonight, but I would align with Dave at this point. I will state for the record I think even looking at the previous public hearing from tonight, the fact that we are distributing money to other entities such as fire and rescue but we don't look out for our own police department in capital funds that we keep contributing all our taxpayer money towards, there is a direct correlation between these developments and the need for additional police facilities and things that go along with the police force. So, I just don't want to not ensure that we are getting the maximum amount of funds from any rezoning so for that reason I am not comfortable lowering any that would technically be distributed outside the town until I know that they are at least going to stay in the town.
- Fox: Well, I agree with Tom's assessment of it. I think it is a pretty sound argument there, I feel there is a disconnect as well. I understand about the school intensity factors, but I don't understand the non-school capital intensity factors. I don't have that piece and I can't judge, you know, with the 55 – say the 55 and over applications that we have, there is no capital intensity factor for the school that is involved with that. Do they have some on the town side. I don't know this information so I feel uncomfortable with it as well.
- Mayor: I think Dave raises a very good point but Barbara, I don't know, I know you have expressed the legal opinion that we don't have to go along with the county, but we have to believe the county – there is a likelihood at least that the county is wrong in its reduction of these capital intensity factors. Staff answer: Yes, that is my opinion. Your proffers must be reasonable and there must be a nexus between the proffer and the information that you are basing the proffer on and so I understand if you believe that the county isn't right – that you should stick with the old figure, then you should have something to base that upon. And I believe my opinion, I don't know if it was in writing, but I talked to several of you that if you are going to go along

with the consultant for the non-school capital intensity factors, you could task that consultant with the school capital intensity factors and then that consultant could come up with a figure different from the county, but if you are not going to have data and you are not going to have something to support your figure, to me, legally, you are safer if you adopt the county's numbers.

- Mayor: Now, Dave has made, I think, a very valid point that much of the Crescent District could go completely residential and that would be by-right and therefore we could have a whole lot more school children in Leesburg than right now, perhaps the county believes we will have. Is that argument the – does that argument bring the kind of sufficiency that you are looking for as an attorney?

Staff answer: Yes. That's a valid point to differentiate how the county looks at their numbers than how we would look at our numbers. Yes. I mean it doesn't have to be exact. I don't mean that.

- Fox: If I heard correctly, this could be changed in the future, can it not?
Staff answer: It can, as Mr. Butler said. It is just a resolution. So, you can always vote on another resolution next meeting. Yes.
- Mayor: Alright. I think on this one I am going to side with Dave and anyone else.
- Hammler: Either I would abstain or for the record, given the debate that has happened tonight on the dais, I support what has been advocated that there may have been miscalculations about the by-right development and need for additional school proffers so I will be aligned with, it sounds like the Mayor and Council Member Butler, but along the lines of it just being a resolution I would like to have it come back that we look at this funding for the other capital intensity factors. I know Marty wasn't here when we voted last time. Perhaps I need to bring that back under Old Business for a future date. Just FYI on that.
- Butler: I just want to say – I am not suggesting that there are any errors, just that it is not clear. There was nowhere that I see a mention of by-right development, but I did see approved and planned or like submitted applications so those are definitely included. It is not clear that the by-right was included so I just wanted to make sure of that. So, if we want to just defer the vote rather than vote no, which maybe sends a different signal than defer the vote for more information. We could just defer it to next meeting.
- Hammler: I would second that. Although my friendly amendment would be that we defer this vote until after, I am assuming we can revisit the study on the capital intensity factors and this would be part of that, so I would not like personally to bring this back as early as the next meeting. I think we do need to work through the capital intensity factors first. So that's my friendly amendment.
- Butler: So, that could be like eight months before we figure all that out. Okay, I don't accept the friendly amendment then only because I think that we need to decide on this one way or the other and if we decide next meeting to defer it for eight months, then I think that's a good idea but for now I think

just postpone it for one meeting just to get some more information and at least we will have our eyes open and have enough information to figure out what we want to do.

- Dunn: Just real briefly because I think it was going to be part of my comments – final comments for my motion, which was while Dave may have an opinion about where this is at. He even said hey, I am letting you know this may not be the case and others have hung their hat on that opinion, I know that I will go by and you know how tough this is for me to go by you government employees know what they are talking about. Anyway, Mr. Adamo sat right here and he said based on his analysis and of his staff, that there is not a need for additional schools and you have to understand too that when they are taking into that analysis they are looking at the population trends and it doesn't mean that just because you have residents here today that they are all going to move from their homes and new homeowners are coming in and bringing kids with them. I don't know about any of your homes, but if you are not planning on moving, are you planning on adding additional kids to the school system? Not my house. I'm not going anywhere and I'm not adding any additional kids to the school system. Just because there is housing today, it doesn't mean that housing tomorrow is going to require additional kids, so keep in mind you have, for example Catoctin Elementary. For a while Catoctin Elementary had more space because the neighborhoods around there were getting older. They didn't have school aged kids. So, we can make assumptions, but based on what Mr. Adamo said, we don't need additional schools. So, my concern too is if we have counsel that is telling us you have to have a viable reason for collecting more funds than what the school even asked for, I haven't seen us come up with that at all. I don't know where it is going to come up from.
- Fox: You think Mr. Adamo took into consideration the Crescent District and the applications that we have for some of the residential in the Crescent District?
- Dunn: I asked him specifically have you looked at what is on the books in Leesburg and he said yes.
- Hammler: But that's why I made the friendly amendment I did because I think if we directed our own research, which probably would have passed if Marty had been here. I won't put words in his mouth but I would like to have that revisited so that we can put it in the context of our own research.
- Dunn: I guess the point is is that if we did our own research and we found that we need to be collecting more money than what the county is asking for, then at some point the county is going to be asking for that more money themselves.
- Hammler: Again, we can literally discuss all of these policies, but there is an elementary school in Loudoun County with 1200 children so it is probably worth us taking a look at.

The motion to defer this item until the September 22, 2015 meeting was approved by the following vote:

Aye: Butler, Fox, Martinez, and Mayor Umstatt
Nay: Dunn and Hammler
Vote: 4-2-1 (Burk absent)

12. ORDINANCES

a. None.

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. Additions to Future Council Meetings

Council Member Dunn: I still think there are some things that we could do for the H-2 that is not going to be a big drain on staff. But there is a memo in there that talked about it, so I encourage everyone to take a look at that. This, I don't know if it is a future meeting, but I will mention that thanks to the – I talked to the chief and thank you for the efforts they are doing on north 15 by Exeter and Balls Bluff neighborhood with the new no right turn signs. I would suggest that the times be changed to 3:30 to 6:30 instead of 3 to 6 because there is still a line that is up there at 6 o'clock and at 6 o'clock they are blocking the interchange again. I would also recommend on that that they put up no u-turn signs at – Marty, you could maybe help me on this...

Martinez: I have already talked to Keith about it – about the fact that they need to put no u-turns at Fieldstone, Plaza...

Dunn: And at Balls Bluff Road, although it is so backed up there you can't do anything. But I have seen people doing that.

Martinez: I have already talked to Keith about that. We drove by Thursday night and they were already doing that.

Dunn: The other thing I would like to propose and if Council is willing to do this, I could wait until a future meeting, but I would like to see if we could do it at tomorrow's meeting and that is with everything that is going on in our country right now – what I would like to propose is that the third Thursday in October – a police officer appreciation day and with that we fund an October feast for our officers. If the funding is not there for families to be involved, at least for the officers that when they do their shift change, they can have a meal at Ida Lee downstairs but to show our appreciation for our policemen, so many in this country- well I won't say so many because that's giving the knuckleheads too much credit – but there is way too much publicity out there right now for people who don't appreciate the police and just the opposite of that and I would like to propose an officer appreciation day for the third Thursday in October that we have that. Let staff determine a dollar amount as far as what it would cost. I am thinking maybe \$2000 to feed the police officers – maybe \$5000 to have their families. Because when we show our support for the officers, we are really showing the support for the families, because it doesn't stop.

Their shift doesn't end. It is all the time. So, I was going to bring that up at tomorrow night's meeting but I don't think we really need much of a work session on that. Then, I will bring it up for the next meeting. If you want to have a work session on it, we could, as long as Council and staff start working on it and we just do the resolution but if staff could help me with the resolution, it would be great.

Mayor: It is a nice idea. Have you already checked – is the third Thursday....

Dunn: Briefly, I talked with Kaj about it. I checked with the chief ahead of time and he said he thought it would be a good idea to have it like during the shift change, like maybe a couple of hours before shifts – I think they change at 7? So, it would be something like a 3:30 or a 5:30 to 8:30 type thing, that way both shifts could come and go and just take part when they have the time. He did say that Mr. Uran had contributed funds years ago that allowed the family to be involved. I know that we waive fees a lot. We give groups funds. If we can't give our police officers and their families funds for one night to have a meal, then that's – so anyway, I would like to bring that forward at the next meeting – Police Officer Appreciation Day.

Hammler: Question, in talking to Chief Price, does he perceive a morale issue or anything like that?

Dunn: No, no, no. Not that he felt that it was – he thought it would be a great idea in that they would really appreciate it. So and again, I think that with as late as today hearing some anonymous caller calling Aurora, Illinois with we are going to – I'm not even going to say it so I think that we need to show it in this town. Thank you.

Council Member Butler: I would like to put a resolution on the next meeting regarding parts of the biking.

Mayor: Is this in line with what Mr. Kruse was saying.

Butler: Not the parts we all were going to talk about.

Mayor: So, you don't need Council's support.

Butler: I just want to put that on the next meeting, then I will ask for Council's support.

Council Member Martinez: I saw the bike initiative. I do think we need to have more discussions on it. But I would also like to get the Parks and Recreation Commission's response to it and see what they want.

Butler: That's a good point. I meant to ask for it in two meetings, so that's after the Parks and Rec Commission has a chance to look it over. It is already being

sent to Parks and Rec, I just want to have that motion in two meetings. I meant to say two meetings. Thanks for mentioning that Marty.

Martinez: Not a problem. I have always been a huge advocate of bikes and I was excited to see a bike trail and you know. Again, as Tom mentioned and like I said, I called Kate as soon as [inaudible] Battlefield Parkway, either Friday night or was it Thursday? It was Friday, wasn't it. As soon as I drove down Battlefield Parkway, I said they are already – even though they are not giving out tickets, they are already going straight across and making that U-turn. I can just imagine that in the future, what a mess that is going to be, especially when you have those young drivers again. I was also excited to see the Civics program. I will look forward to seeing that going on. The NAACP got some money from the Board of Supervisors for their – I would like to explore the possibility, if Council would like to, at a work session to help contribute to that and be a part of that.

Mayor: Alright, so that is a request for an addition to a work session agenda. The Board of Supervisors voted to give \$50,000, as I recall, to the building of a memorial to the Underground Railroad, Union soldiers, and slaves in Loudoun County as long as the private sector can come up with the rest of the cost of building a memorial on the courthouse grounds. So, what Marty wants to do is take up – I think Mr. Thompson, head of the NAACP – Mr. Thompson's request that the Council also look into some sort of contribution. I don't think we've gotten a formal letter to the council yet, but I did recommend to Mr. Thompson that he send the full council a formal letter request, but I think that is where Marty is coming from. So, Marty has asked for it to go to a work session, and I need three other Council members to agree to that for it to be on a work session. I will support it, but we will need two others. Anybody else want to support that for a work session. Katie, thoughts?

Hammler: I would certainly welcome seeing what the letter is and going from there just to understand what the overall program is to ensure that the community is involved.

Butler: Sure.

Mayor: I've got three. Katie, I don't know if that is you are happy to see it on a work session for discussion or not? Are you willing to see it on a work session for discussion?

Hammler: I am assuming Mr. Thompson would come at the work session with his letter and he would understand, you know, the level of contribution and how the greater community is involved, so I would have no problem with a work session.

Fox: I have no problem with a work session.

Dunn: I think the thing that was lacking at the supervisor level is details. It is easy to say I would like a contribution, but for how much and how much is the whole project going to cost. I think it is going to cost a million for what is being proposed. So, anyway, we are going to a work session, so we will see.

Martinez: There is no commitment. It is just exploratory to see – I want to see the details too. I want to see what costs are going to involve and also their strategy to raise the money to cover the matching.

Dunn: I am just always hesitant to use taxpayer dollars for private donation and especially though while the cause sounds good, if there are no plans – I would like to see some detail. Having been involved in monument building, it is not quick or easy.

Hammler: Just a thought that we may want to invite Jim from the Balch or somebody that could help advise just given their expertise with the topic.

Mayor: Very good. The Patriot Project statute that is going up on the Courthouse green cost in the end over \$400,000. So, that will be a tremendous effort if it is going to be something similar. We now have the majority of Council willing to put this on a work session for discussion. Any particular time? Next work session or October.

Martinez: [inaudible].

It was consensus of Council to put this on the October work session.

Hammler: I would appreciate bringing back the CIF question just to reiterate what I said during the last resolution to the next Council meeting. So, I don't know whether we want to consider that new business or old business, but that was the motion Kelly put on the table last time.

Notar: I think somebody would have to bring a motion to rescind because the motion was denied – disapproved unless it was very different.

Hammler: I thought it was deferred.

Notar: It failed, so I am not sure – I think the proper way is if at the next meeting somebody brings a motion to rescind, then it could be put on a future council meeting.

Hammler: Okay, I may have to go back and look at the voting record on that one. So, if you could email us that, that would be helpful.

Notar: 3-3-1.

Hammler: Who voted?

Dentler: Dave, Tom and Suzanne were opposed.

Notar: The non-school CIF. Mr. Martinez was absent from that meeting.

Mayor: Are we talking about tonight or a previous meeting?

Dentler: Previous – last meeting.

Hammler: I guess we have to wait to see if we can get support to rescind it. Think about that relative to the topic we already discussed. I would appreciate under new business exploring regarding our National League of Cities funding, which would be \$3,800 a year. It is increasingly important that we stay very active at the federal level considering some of the things that are impacting us. Also, just as an aside, Kim, the director of VML is now on their board and there is just even more of an opportunity to get more involved and have greater influence with the National League of Cities so I would appreciate putting that on new business to explore regarding that membership, please.

Mayor: So, Katie, if you want to bring that up at a future meeting for a vote, I think that is your right. So, that's your intent. You don't need a work session.

Hammler: No, Ma'am. We can just put it in the background information in the packet. I did just have a question, but I probably should just look at the calendar. When are we going to be discussing the TMDL joint action plan with Loudoun County. I just feel like I never got an answer on that.

Dentler: I'm sorry, did you say TMDL?

Hammler: Joint action plan with Loudoun County to move through the issues. We keep bantering around the fact that there is any number of these and we can explore working more closely with them to offset our costs.

Dentler: My advice is the same as it has been recently is that we are not – this is not the time to proceed with that for multiple reasons. One, there is going to be a new board soon. That is the more appropriate time to have such a conversation. Also in my conversations with the administrator that our approach for Capital Project funds may be asking for capital project funds may be a more wiser approach to be successful. So, my approach has been a little different than maybe where you are going. Obviously, Council has the pleasure to do whatever.

Hammler: So, we are deferring several things dealing with the fact that there is an election coming up, but just for the record, in reading Supervisor Reid's newsletter, it certainly points to the fact that we are as a council not, I guess, actively pursuing funding with the county, but I guess for the record it is because we are in fact aware of the political situation and that we having done things like requesting a joint task force, police/sheriff, that we are waiting until after the election. So, for the

record, Supervisor Reid, that is why we are not going to be doing TMDL until after the election.

Dunn: If we could find out what it would take to use the old Balls Bluff Road and Dry Hollow Road for a bike trail.

15. COUNCIL MEMBER COMMENTS:

Council Member Dunn: Had no comments.

Council Member Hammler: I have several disclosures. On August 8, I had a call and then a subsequent meeting with Hobie Mitchell and Rick Lanham. Council Member Butler was involved, Kaj Dentler, about the O'Connor property. On October 12, a teleconference with Peter Burnett and staff dealing with moving historic houses. On the 18th, I had a meeting with Don Knutson, who is proposing for the Waterford, Jan Zachariasse property. For the record, I was extremely disappointed to see that essentially he wanted to kind of take our sweat equity with looking at building heights to support a very progressive commercial oriented mixed kind of key entry way project and that it is basically more housing. No sensitivity for meeting a mix of uses anchoring the downtown, coordinating sort of more creative anchors that we could do collaboratively. In fact, I had requested that as a follow-up even aligned with the vision for bringing a performing arts center, but he did not want to participate in that and I was going to bring forward, you know, individuals who have been involved in all of the fundraising for the Ark, the phenomenal performing arts center downtown. So, anyway, that's my short story on that meeting. I did attend Epicurience on Saturday, so that is an official disclosure because that was supplied by Visit Loudoun. I did see Barbara Comstock there and emphasized how much we need federal support for the Route 15 Bypass North funding. Geary Higgins was also there at the time and he said he has it covered, so we will look forward to working with him and taking him up on that. A couple of other quick things – I was selected to be on the president's council for Morven Park, another reason I wanted to go to Epicurience. I went to the EDAC meeting on Friday. Just FYI, the county is funding an official Loudoun County coffee book. It is like a nice beautiful bound – David [Gerins] is going to be the photographer. I would just ask that staff make sure that we proactively make sure that Leesburg is prominent as it is the county seat, but I think it might involve following up with Buddy and team. Like Marty, I love the new bike lanes. People who have never commented about anything in the town have come up to me saying they love the new painted bike lanes, so awesome job on that. One quick thing for me personally is the new Sharepoint keeps crashing. I am having a heck of a time downloading documents. I don't know what is going on with that, but I would appreciate continuing to fix that and then just finally looking forward to seeing everybody Friday at the 9/11 Memorial on the Town Green.

Council Member Fox: Just a couple of things. I am sorry I have been kind of out of commission this past month, but there were a few things I was able to attend. I didn't want to miss this – I did go to Stanley Caulkins' ribbon cutting on the 21st, just to support him. It was wonderful and I had the opportunity last week to do a ribbon cutting at the Urban Mattress store here – the brand new one behind Red Hot and Blue. I was excited this evening to hear about the Civics Education Program initiative. I fully support that. I am hoping to see that grow a little bit and also the bike lane initiative. I think that the

presentation that we got – there was a lot of merit to that and I look forward to having more discussion on that as well.

Council Member Butler: I do have two disclosures. One is met with representatives of Crescent Parke earlier today and I was also with, as Katie mentioned, at that meeting with Hobie Mitchell around the O'Connor properties.

Hammler: Sorry, but I had a Crescent Parke meeting too for my disclosure – right after yours. I apologize for forgetting that one.

Butler: I did appreciate the comments that I saw Keith made and I don't know if it was one of the newspaper articles or something saying that you know these changes that we are making out at the corner of Battlefield and the bypass probably aren't going to do much, but we are giving it a good college try. So, now that's exactly right. We will see if it has much of an impact. The Washington Nationals are done pretty much. They had one of the worst losses in history today. So, that's all I am going to say about that. On the bike route, the phase 1 bike loop that was mentioned today at the presentation – I had the opportunity to travel it a while back. In fact, Madam Mayor, this was the same day that I saw you at the sink hole and it is actually a very nice route. It is pretty and it was great. So, I went ahead and moved that forward. I think it is a wonderful opportunity for Leesburg. If you have ever looked at – there is a couple of different kinds of maps of what they have done in Arlington – Arlington is bigger than Leesburg, but Arlington has an Arlington Loop. They have different sections of the loop are different lanes of the trail. Part of it – one third of it is the W&OD. They have a lot of bike share places as well. So, that's something that maybe is a phase 5 or 6 that we think about in a couple of years, but now I think that this could be a really awesome thing for Leesburg and looking forward to it.

16. MAYOR'S COMMENTS

I met with Hobie Mitchell today on Crescent Parke.

17. MANAGER'S COMMENTS

Mr. Dentler had no comments.

18. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 11:03 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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