

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

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

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Assistant Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Director of Public Works and Capital Projects Renee Lafollette, Deputy Director of Capital Projects Tom Brandon, Library Manager Alexandra Gressitt, Senior Planner Michael Watkins and Clerk of Council Lee Ann Green.

AGENDA ITEMS

1. CALL TO ORDER

2. INVOCATION: Council Member Dunn

3. SALUTE TO THE FLAG: Council Member Hammler

4. ROLL CALL: Showing all members present.

5. MINUTES

a. Work Session Minutes of September 21, 2015
On a motion by Council Member Martinez, seconded by Vice Mayor Burk, the minutes of the work session of September 21, 2015 were approved by a vote of 7-0.

b. Regular Session Minutes of September 22, 2015
On a motion by Council Member Butler, seconded by Council Member Fox, the regular session minutes of September 22, 2015 were approved by a vote of 7-0.

6. ADOPTING THE MEETING AGENDA

On the motion of Council Member Martinez, seconded by Council Member Butler, the meeting agenda was approved as presented by the following vote:

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

Nay: None

Vote: 7-0

7. PRESENTATIONS

a. Certificate of Recognition – Mama Lucci’s
On a motion by Council Member Martinez, seconded by Council Member Hammler, a Certificate of Recognition in was approved for Mama Lucci’s in celebration of their 20th anniversary in business in the Town of Leesburg.

b. Proclamation – Daughters of the American Revolution 125th Anniversary
On a motion by Council Member Dunn, seconded by Council Member Butler, the following was proclaimed:

PROCLAMATION

Daughters of the American Revolution In Celebration of 125 Years of Service to America

WHEREAS, October 11, 2015, marked the 125th anniversary of the founding of the National Society Daughters of the American Revolution to honor the memory and the spirit of the men and women who achieved American independence; and

WHEREAS, nearly 1 million members have since fulfilled this vibrant service organization's mission to promote historic preservation, education and patriotism; and

WHEREAS, Daughters are currently celebrating both their founding and their future by providing 12 million hours of service to America; and

WHEREAS, the Kettoctin Chapter of the National Society Daughters of the American Revolution was founded in April in the year 1950 to complete this important service work on the local level; and

WHEREAS, the Kettoctin Chapter will continue to serve our community by volunteering in schools, hospitals, veterans' centers, Boulder Crest Retreat for Wounded Warriors, Girl Scouts, Boy Scouts, Blossom and Bloom, rehab Centers, grief counseling, and the Ladies Hospital Board, just to name few; and

WHEREAS, it is fitting and proper to accord official recognition to this vital organization and its memorable anniversary,

NOW, THEREFORE PROCLAIMED by the Mayor and Council of the Town of Leesburg in Virginia that the Daughters of the American Revolution are hereby recognized for 125 years of service to America and the citizens of Leesburg are asked to reaffirm the ideals of our nation's founders and to honor and respect the freedoms guaranteed to us through the Declaration of Independence and the United States Constitution.

PROCLAIMED this 13th day of October, 2015.

- b. Proclamation – National Day of Service
On a motion by Council Member Dunn, seconded by Council Member Butler, the following was proclaimed:

PROCLAMATION

*DAUGHTERS OF THE AMERICAN REVOLUTION
NATIONAL DAY OF SERVICE*

WHEREAS, October 11, 2015, marked the 125th anniversary of the founding of the National Society Daughters of the American Revolution to honor the memory and the spirit of the men and women who achieved American independence; and

WHEREAS, nearly 1 million members have since fulfilled this vibrant service organization's mission to promote historic preservation, education and patriotism; and

WHEREAS, Daughters are currently celebrating their founding and their future by providing 12 million hours of service to America including the National DAR Day of Service on October 11, 2015; and

WHEREAS, the Kettoctin Chapter of the National Society Daughters of the American Revolution was founded in April in the year 1950 to complete this important service work on the local level; and

WHEREAS, the Kettoctin Chapter will prepare and mail 1500 cards to TAPS (Tragedy Assistance Program for Survivors) military families whose loved ones have died in active duty as part of this nationwide day of service; and

WHEREAS, it is fitting and proper to accord official recognition to this expression of goodwill and dedication.

NOW, THEREFORE PROCLAIMED by the Mayor and Council of the Town of Leesburg in Virginia that October 11, 2015 was the National DAR Day of Service and ask our citizens to likewise serve others as an outward expression of appreciation for the privilege of U.S. citizenship.

PROCLAIMED this 13th day of October, 2015.

c. Environmental Advisory Commission Recommendation for Curbside Recycling Service

No members of the Environmental Advisory Commission were present for this presentation.

8. PETITIONERS

The Petitioner's Section was opened at 7:40 p.m.

David Grainger: 201 Wilson Avenue. "I have what I call here a Citizen's perspective on a item that I know you are all very familiar with – the downtown sidewalk

widening business. On a recent morning over coffee overhearing some people's remarks on the current plans to widen the sidewalks, I overheard statements as 'what in the world are they thinking?', 'where are older people and the disabled going to park?', 'they had just replaced the parking meters, what a waste', this downtown [inaudible] etc., etc. and etc. My thoughts at that time went towards the two recent incidents at the courthouse where drivers with issues crashed into rails surrounding the building. If the road, King Street, is made as planned, tighter for this venture, has any consideration been made for a similar scenario of people sitting outside dining and somebody with a car and a problem or such – unthinkable business was considered at all? Please leave the sidewalk as is. I'm for other incentives like tax incentives to start ups for attracting business and new people. I came to this town back in 1996 and fell in love with it immediately. It is a beautiful place. My experience is dealing with small towns in Ireland and they are very similar looking. That's why I think I have an attraction to this. Tightening of traffic and slowing it down to widen the sidewalks, removing parking and basically scaring away anybody with any difficulties, does not, in my opinion, enhance the thoughts of people going downtown to spend their money and visit Leesburg. I feel that they could – that consideration could be made for turning it into a place where people could live downtown again. I know from what I read in the paper that the new construction that is sort of the tall building they were planning on putting some apartments and I totally think that is a wonderful idea. The town when it was built originally had people living above the stores. In my experience in parts of Dublin was that they turned these places similarly in to what they called artisan dwellings where people could live and work actually as most people – a lot of people seem to do now a days out of their homes, inviting their families down to use the restaurants. Using the stores and the local amenities as parks and such like that rather than it seems to me another office and this turns into a place – a kind of an office park with all of the excitement that has on weekends and such when offices are closed and such. The concern that I had – and I'll keep it short – my perspective is that the new construction that is going to happen when that new tall building is built...from what I understand there is a water aquifer that runs underneath it and that the possibility that they may need to dynamite to put the foundations down into that – I invite any of you to go walk past #26 South King Street and take a look at the bricks on the outside of that building and ask yourself if that is going to handle dynamite less than a block away. I think some money could be possibly turned over to these building owners to help them improve the outlook of the out fronts of their buildings. The other building I noted was the one above the pawn shop. It needs to look like it could be spruced up. If there is any assistance for that. Those kind of things, I think could bring people back into Leesburg and say that something was going on rather than tightening traffic and security and safety issues of your public visitors”.

Sandy Grossman: 510 Peppermill Terrace. “Ladies and Gentlemen of the Town Council. I will be very brief. I am here tonight to say thank you to the Town of Leesburg and their staff – the fantastic town staff in helping Exeter with the sink hole. There is no way an issue of that magnitude could have been addressed as efficiently or as comprehensively as it has been without the support of the town staff. Just an amazing attitude and an amazing knowledge base and resources brought to bear. I wanted to make sure that we are on record with you all in appreciation for what the staff has done. There is just no way we could have gotten those resources [inaudible] as you had happen. That is my purpose. Thank you ever so much. Please convey that to the entire staff”.

Paige Buscema: 223 Loudoun Street, SW. “I am here to say that I hope that the pockets of excellence that this gentleman just spoke to can continue to blossom in the town. Leesburg is a very good town and I am happy to live here and work here and raise my family and my business here. I feel fortunate to have planted my roots here nearly 20 years ago. And I have learned just as with my own business, there are always ways we can improve. Ways to take a town or a business from being good to being exceptional. And I want Leesburg to be exceptional. About three years ago, I was asked by Council leader Dunn if I would be willing to serve the EDC and I accepted that appointment and since that time, I have found myself surprisingly bogged down in a commission that has some very basic structure issues. The EDC dashboard and webpage and gap analysis are valuable business tools that have come from the EDC over many years and several leaders. Part of the disconnect making those tools relevant and known to nearly 3000 businesses that exist in the town. That said, you may or may not be surprised to learn that I am the only EDC commissioner that did not vote to support the EDC Ambassador program as it exists on paper today and was in fact adamantly opposed to growing the EDC before the EDC itself was running like a cohesive group with a clear directive. It is not the role of the town government to go out and manage what does not need managing. The town businesses are capable of working together to make themselves a destination and have done so through many years and will continue to do so moving forward. It is not the role of the town government to save failing businesses. Good businesses will come and go for a variety of reasons and some of them will lash out on their way out because it is hard to fail and it feels better to place the blame of failure on others. The town government does not need to have a knee jerk reaction to those community changes unless the town government is directly responsible for being the roadblock to wide spread business success as could be the case with our noise ordinance that has twice failed to gather both the residents and the businesses in a nonthreatening community meeting that allows both sides of the issue to be reviewed, to help educate and foster community cohesion and creative problem solving on the matter. I don’t know a town resident or town business that wants any agenda or policy shoved down their throat. Another example would be the iron grip the town holds on all things remotely creative. It has long been my position that if we open up the ordinances that govern creative signage and music and publically displayed art on private property, we would start to see the heart of this town take on the look and feel of a unique attraction rather than a forgotten museum. In my own business, I talk about the concierge mentality with my staff. I make sure that each one has the tools needed to be flexible and accommodating and that they are prepared to resolve concerns for clients before they turn into grievances. It has long been my hope and struggle to see the town establish this concierge mentality within the town offices and commissions. This means every time a client, a.k.a. a town person or business, has a concern or issue, someone in any department is equipped to help and resolve or further to pick up the mantle of much needed change when applicable. Recently Carrie from the Lightfoot publicly aired her frustration over being assessed a large late fee for a water bill that was posted before the due date and due to town process was not posted to her account until after the due date. Unfortunately, the town staff was not equipped to say I am so sorry for your frustration. We will review your payment history and get this taken care of for you, if your business is in good standing, but in the future make sure to post your bill five days prior to before it is due to ensure it is posted to your account on time. Even more unfortunately, our town economic development staff did not feel they could get involved to act as a concierge to directly address Carrie’s concerns. Suzanne, the Mayor, and Vice

Mayor saw the concern and immediately did what they as Council leaders are able to do and that is to address the policy that lead to the disconnect, but at no time did anyone in the town staff feel that they could reach out to Carrie to help resolve her immediate individual problem. We don't need big padded programs that can't possibly reach out effectively to nearly 3000 town businesses and many more town residents. What we need is to fully establish the concierge mentality inside the walls of the town hall and in every working town commission. That alone is how you become an exceptional town instead of a good town run like many other good towns. Let's strive for exceptional every time. Thank you for your time tonight".

Randy Minchew: 330 West Market Street. "I speak tonight as a member of the Northern Virginia Transportation Authority and Madam Mayor, we miss you and miss your leadership on the NVTA. I wanted to mention that I saw that on the agenda today is a signing by the town council of the project for the Battlefield Parkway Route 7 interchange and I could reflect that happened under your watch, Madam Mayor, on the NVTA. If you have noticed, we had a ground breaking today on the Rt. 659/Rt. 7 and there is a trend that I have seen where we first design an interchange without having the funds for construction lined up, but through a series of different pots, we can build an interchange. I remember Loudoun County Parkway, that was an interchange that was designed using proffer dollars and then Loudoun County bond money to [inaudible] to building of an interchange at Loudoun County Parkway and Rt. 7. The same thing happened today. That was an interchange at 659 that was designed previously, but through some House Bill 2315 money, county money and federal money, we can build an interchange. I hope the same thing happens for the interchange that Council will be acting today to [inaudible]. I also want to mention, Madam Mayor, at the last NVTA meeting, we approved the fiscal year 2017 call for projects. The deadline is November 30. The reason why that is somewhat early is because we have to act on those projects at our December 10 meeting so that they can go under the House Bill 599 in due process. The Town of Leesburg has done exceptionally well with NVTA financing. Better than any other municipality in the county and I would like to see that trend continue. Madam Mayor, I would like [inaudible] my time on how I represent Leesburg on NVTA and we look forward to getting more NVTA financing for the town".

Mayor: Thank you Delegate Minchew for being such a strong advocate for our town.

The Petitioners Section was closed at 7:54 p.m.

9. APPROVAL OF THE CONSENT AGENDA

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

- a. *Agreement with Northern Virginia Transportation Authority for East Market Street / Battlefield Parkway Interchange*

RESOLUTION 2015-109

Approving the Standard Agreement with the Northern Virginia Transportation Authority (NVT A) for Fiscal Year 2015 and 2016 Funding of the Route 7 (East Market Street) Battlefield Parkway Interchange Project

- b. *Agreement between the Town of Leesburg and Loudoun County Board of Supervisors for Reclaimed Waterline Installation*

RESOLUTION 2015-110

Authorizing the Mayor to Execute an Agreement between the Town of Leesburg and Board of Supervisors of Loudoun County to Allow a Reclaimed Waterline to Cross a Loudoun County Easement

- c. *Assignment Agreement for the Construction of the Reclaimed Waterline*

RESOLUTION 2015-111

Authorizing the Mayor to Execute an Assignment Agreement between the Town of Leesburg and Panda Stonewall, LLC for Assignment of Temporary Construction Easements for Construction of Reclaimed Water Line

- d. *Pedestrian Safety Improvements on Hope Parkway at Whipp Drive*

RESOLUTION 2015-112

Amending the Fiscal Year 2016 Budget and Making an Appropriation of a Proffer in the Amount of \$15,000 to Install Pedestrian Safety Improvements

- e. *Making an Appointment to the Airport Commission*

RESOLUTION 2015-113

Making an Appointment to the Airport Commission – Gary Rogerson

- f. *Authorizing Purchase of a Boom Mower using Capital Asset Replacement Funds*

RESOLUTION 2015-114

Authorizing Purchase of a Boom Mower Using Capital Asset Replacement Funds

- g. *Grant Funds Appropriation for Thomas Balch Library*

RESOLUTION 2015-115

Approving a Supplemental Appropriation for a Grant of \$3000 from Loudoun Preservation Society to Thomas Balch Library for VHS Preservation and Digitization

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 7-0

10. PUBLIC HEARINGSa. Amending the Town Code Regarding the Balch Library Endowment Board of Directors

The public hearing was opened at 7:56 p.m.

Barbara Notar gave a brief presentation on the proposal to amend the Town Code regarding the membership of the Thomas Balch Library Endowment Board of Directors membership.

Key Points:

- Thomas Balch Library Endowment Fund was passed by the General Assembly two years ago.
- Council passed an ordinance to enact the endowment fund.
- Council passed a motion that instead of a town council member being part of the endowment's Board of Directors, it would be a person appointed by the Council.
- Articles of Incorporation to govern the Endowment will be approved later in the meeting.
- Town Code must be cleaned up to state that the appointment will be someone appointed by the Council, not a Council member.
- Retired Judge Thomas Horne was previously appointed by Council.

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

The public hearing was closed at 8 p.m.

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

ORDINANCE 2015-O-017

Amending Chapter 2 (Administration), Article IV (Finance), Section 2-165 (Thomas Balch Library Endowment Fund)

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

b. Crescent Parke Town Plan Amendment, Rezoning and Zoning Text Amendment

- i. TLTA 2014-0001 Town Plan Amendment: Crescent District Uses
- ii. TLOA 2015-0002 Zoning Text Amendment: Sec. 7.10.11.A2.a Urban Boulevards
- iii. TLZM 2013-0006 Rezoning: Crescent Parke

The public hearing was opened at 8 p.m.

Michael Watkins gave a presentation on the three applications.

- Town Plan amendment is a request to change the planned land use from commercial mixed use and open space to residential.
- Zoning text amendment would amend the text of the Crescent District to reclassify Davis Avenue from a four lane boulevard to two lanes.
- Rezoning application includes three Crescent District subdistricts – CD-Commercial, CD-Mixed Use Option, and CD-Open Space and redistricts the property into CD-Commercial, CD-Mixed Use Option and CD-Residential High Density.
- Crescent District was originally envisioned to have by-right uses.
- Property was designated as commercial mixed use because of proximity to the bypass and high tension power lines.
- Change of employment zoned property to residential, need for new housing must be balanced against the need for employment uses.
- Applicant claims that residential is more compatible with the existing residential neighborhoods and will achieve a better transition of uses.
- Staff does not feel that the applicant has been successful in justifying the need for the Town Plan amendment and recommends denial.
- Staff feels that retaining the Greenway extension and current designation of the Gateway extension supports the planned land use for the property and recommends denial.
- Project contains a total of 159,725 square feet of non-residential uses inclusive of a 2000 square foot community room and 390 dwelling units.
- Non-residential uses includes 45,100 square feet of office over retail as well as 88,000 square feet of office and/or hotel which would require a special exception.
- Ground floor retail square footage is 26,625 with 96 multi-family units located above.
- Additional residential includes 198 townhouses and 96 two-over-two units.
- Applicant has two approvable development plans on the property:
 - 60,000 square feet of office located directly behind the Food Lion.
 - 35 Duplexes located adjacent to Townes of Vanderbilt and Virginia Knolls subdivisions.
- Applicant's proposed design includes attractive architectural style.
- Ground floor retail with multi-family units above achieves one of the goals of the Crescent Design District.
- Applicant has proffered amenities including a park located close to the multi-family units.
- South of Tuscarora Creek, the proposed design and appearance is very suburban.
- Amenity spaces for the area south of Tuscarora Creek are tucked in left-over spaces.
- Staff is concerned by the density of the proposed stand-alone office building.
- Other concerns include impacts to the Izaak Walton Park.

- Pond at Izaak Walton Park is too shallow to have the aquatic environment to prohibit the unsightly surface conditions of the pond.
- Embankment may not be high enough to mitigate flooding issues.
- Bridge rehabilitation may need to be done.
- ADA accessibility issues.
- Structural deficiencies in the on-site building.
- Stormwater management best practices for the development are inadequate and do not meet current state requirements.
- Grading plans show an inability to preserve the buffer trees between the existing Virginia Knolls and this development.
- Proffers include:
 - Street improvements including traffic signal and intersection improvements for S. King Street/Davis Avenue, Davis Court relocation, onsite roads, and reservation for the Greenway extension.
 - Cash contribution of \$798,030 for off site transportation improvements.
 - Onsite open space as required by ordinance.
 - 2000 square foot meeting room for use and benefit of the property owner's association.
 - Olde Izaak Walton Park to the Town of Leesburg.
 - Fire and Rescue contribution for residential and non-residential uses.
 - Noise attenuation features for units adjacent to the bypass.
 - Capital facilities contribution which would be used to "purchase" the Olde Izaak Walton Park property.
- Staff has concerns about phasing.

Council Comments/Questions:

- Dunn: For me tonight, going forward, this is a lot. I want to decide whether this is something that we should either go yes or no or if it is going to go to Council for a work session or if it should go back to the planning commission. How much of this that we are seeing tonight is new to the planning commission – that they did not see? Just for the percentage. How much did the planning commission not see? What was done since the time the planning commission to the point it got here?
Staff answer: I apologize. I should have outlined that for you. So, the bulk of the changes occurred in the residential high density section. I'll outline that in green. That is basically the area south of Tuscarora. I will have to say that there were some attempts by the applicant to mitigate some of the issues that the Planning Commission raised. One issue was the proximity of the units to the overhead power lines. So, that was successful. I think in trying to redesign the property, they moved some of the units further away from the pond, so that's a change. For the most part, I would say the bulk of the changes – this area is different. I wouldn't say substantial, but there is a substantive change to the layout in this particular area since the planning commission saw it.
- Dunn: Okay, and how about on proffers. How much have those changed since the planning commission saw them?

Staff answer: I think we got more clarification with this regarding the park dedication than at the planning commission level, but for the most part the proffers are pretty consistent with what the planning commission saw previously.

- Dunn: Okay, and you mentioned one part there just at the end that you are recommending it to go back to the planning commission for. What was that again?

Staff answer: If the town plan amendment to reclassify the mixed use commercial to residential high density is approved, I don't think the council wants to spend its time in the nuance of the zoning regulations and I think we can work that out with the planning commission to bring forth an application that you are not spending several work sessions to go through the nuances of the zoning ordinance. So, if it goes back to the planning commission, I think that is a venue that we could take advantage of and you know, work session or public hearing to resolve those zoning issues.

- Dunn: Okay, if this were to go back to the planning commission, would that mean a new public hearing.

Notar: Yes, it would.

- Dunn: And I am trying to determine too just how much would be gained by sending it back to the planning commission and if there would be a different result by doing so.

Staff answer: I think the recommendation by staff would be if you do adopt the change in planned land use, then you would give guidance to the planning commission. So, for instance, maybe it is how the recreation spaces are placed on the property. Maybe it is the style of the units. Maybe it is the density. Those are things you can advise your planning commission while they look at the zoning issues. So, I think it's not just that we approve the land use, go ahead and fix the zoning issues. We would recommend that you advise them on how to resolve those zoning issues.

- Dunn: And that would probably be something we would want to work on at a work session versus trying to get that tonight. So, for me, that's the main thing unless the rest of Council wants to try to pound this out tonight for a yes or no vote, I think that what we should be looking for is where do we send this next. The Planning Commission for review or for Council to take this up at a work session. You did mention a couple of things that I had some questions on and I am sure the applicant is going to provide a great presentation where most of this information is countered and life is good, but I know that they prefer to even have us other than getting a yes vote tonight, which I don't know if that is going to happen to have this be reviewed by council. You mentioned the feasibility of the stand alone office building. If this were by right, what would change with the feasibility? Because if it were by right, it would be majority commercial. And you have said the feasibility of the office building's success was limited because of its visibility. How would that be different if it just went by right and was mostly commercial?

Staff answer: They could do a stand alone office building. The density would change based on the number of stories. I believe that the building proposed includes five stories, but that is including the structured parking so the density

of the building would potentially be different. The modifications they are requesting for the building frontage could be handled administratively by the zoning administrator.

- Dunn: And the – my other concern with this dealt with the Izaak Walton Park being brought into this discussion that I have talked with my planning commissioner. I have talked this over with a couple of council members and the applicant is that I would rather that not be part of this discussion. Is there a need for additional open space with this project that could be met by Izaak Walton Park being included with the project rather than it being sold to the town?

Staff answer: I think that is one of the concerns that staff is raising with the design of the project south of Tuscarora Creek is that it really doesn't represent what we envisioned for the Crescent District regarding mixed uses. We had designated the residential core – again to supplement and reinforce the densities of the downtown – the historic downtown area. So, this application, in our opinion, is deficient on adequate recreation. Would that add benefit to the proposal? I think so. I think until the planned land use designation changes, it is staff's opinion that the use that is proposed is not right for the property.

- Dunn: Okay, and then lastly for the applicant and for those folks that would like to speak on this tonight. You don't have to, but I would love to hear whether you would like to see this go to Council for a vote tonight or back to planning or it should eventually come back for another public hearing and/or go to Council for a work session. I feel that's important because there is a lot of folks out here tonight and a lot of times we get these things and they drag on and they drag on. It is tough to keep coming out time and again. So, I'm glad to see everyone. I look forward to hearing from you, but I'm leaning towards right now we just sending this back to planning or to Council for a work session. I don't know if we are quite ready for myself to vote on this this evening. But I would love to hear from folks.
- Butler: Yeah, I agree this is far too complex for Council to vote on tonight. I think that based on what staff said that this almost has to go back to Council first for a work session so that we can figure out what we want the planning commission to do before we send it back to the planning commission even if the Council just discusses it a high level and doesn't get into the gory detail. So, that would be my preference is that we have a work session, but I do have a few questions. First, I am not sure that the feasibility issue with the office building is all that appropriate – I mean it is up to the folks that are going to sell this if they can make money at it. Well, then more power to them. I may not think it is feasible, but if they think it is feasible, I am perfectly fine with that. Can you summarize what the applicant could do by right on the same property? At a high level.

Staff Answer: Today? Basically, in the Crescent District Commercial, they could do almost any commercial use by right. In the mixed use option, they could have stand alone office or stand alone residential buildings as part of a rezoning. They would need to come through a rezoning for that, but the mixed uses begin primarily – the pink area that is on the slide. That pink area

is predominantly commercial so for the most part it is the same uses. The mixed use option gives you the allowance to come back for a rezoning to ask for residential.

- Butler: Okay, but in the mixed use area they could still put in a bunch of commercial by right?
Staff answer: Yes, sir.
- Butler: So, basically they could fill the whole thing up with commercial by right because one of the issues that always comes up with things like this is sometimes people will mentally look at this as a choice between the application and nothing. So, if we turn it down, then we get nothing there and everybody prefers nothing there. But that is not really the choices. The choices are really the application, an improved application after going through rounds with the council and planning commission or by right because they could come in and put this in by right and if they do that, they could put all that commercial in and there would be no proffers because it is all by right. Interestingly, I think you might find that economics and the traffic impacts would be different than what a lot of people would expect, but we could work that out in a work session. Maybe we could ask staff to come back and say give us some estimates as a choice between this and – or an improved this and by right. This area was always kind of the odd man out in the Crescent District because it is not quite the same level of urbanization as some of the other areas that are around there. So, you know, if there is going to be major changes to the Crescent District Plan, this would be the area that would be the most amenable for it because it is a little bit out of the way. Now the pond requirements – the staff says here expenses related to acquisition of Olde Izaak Walton park and you have a million for estimated pond/dam repair, \$1.5 million for building replacement, so and so forth. How many of these would be absolutely legally required if we acquired the property and how much of that is staff's say strong recommendation?
Staff answer: The ADA accessibility is required. The bridge replacement is required. The building would be a preference. The pond would be a preference.
- Butler: Okay, so the bridge replacement – why would that be required?
Staff answer: If the property is accepted by the town. It becomes a public property. The building on it becomes public so we have to make it ADA accessible. So, the current terminus would be Davis Court. So, we would need to extend the sidewalk from the existing terminus of Davis Court to that building. Currently, the bridge that is there now does not accommodate – well, it is constrained, but I don't know off hand if it would meet an accessible route or not because it would be a shared accessway. I would have to get clarification on that. Those would be the two primary reasons.
- Butler: Okay, so that may be a requirement. So, the \$200,000 for sure. So, the other \$2.2 million maybe. A recommendation. But it wouldn't necessarily – because it sat there like this for a long time. Obviously at some point we would want to make it into a – if we required it, we would want to make improvements on it, but those improvements could be over time, right? I think that is all my questions at this point. Thank you.

- Burk: I just have a couple. So, I am looking at the proffer contribution chart that you gave us. The applicant proffers \$6.7 million – so \$5.3 of it is for the schools? Is that correct?
Staff answer: It is for capital facilities, which could be used for schools based on the language of the applicant's proffers. So, they have got a calculation, but the proffer says that it could be used for any capital facilities in the town of Leesburg or schools.
- Burk: But we have a resolution that we passed with the intent that when we had new developments come into town that they would proffer up the money for the schools because of the impact to the schools. So, as I look at your chart, the schools get not one penny.
Staff answer: Correct, based on the applicant's proffers.
- Burk: So, we are not contributing at all to the schools?
Staff answer: Based on the scenario where we have spent those monies for capital improvements for the parks property, yes. It shows that we use all of those capital facilities monies with no remainder.
- Burk: Do we have a formula – doesn't the school system have a formula of how much each household is supposed to collect for...
Staff answer: You have the resolution you adopted recently which has the calculation amounts, but the applicant is not proffering to the intent of that new resolution you have adopted. They have changed it and it is strictly a capital facilities offer.
- Burk: Okay, so the bottom line is here we recently passed a new resolution adjusting the numbers that the County asked for for the schools and we are not going to be giving them any money for the schools.
Staff answer: And in fact the way that the \$6.7 million was calculated, it is based on your old resolution 2005-111. If you used the new contribution – again that is what we have highlighted in the cell to the right – is that it would be approximately \$2 million less – 1.9 million less if you used the newer monies, which again would not leave you with a balance for school contribution.
- Burk: When did we adopt the Crescent District plan?
Staff answer: 2012.
- Burk: 2012 and it is 2015. Have we had many applications come in for that particular area?
Staff answer: This, no. The applications that you have considered within the Crescent District include Crescent Place which was not – it did not use the Crescent District zoning standards. It used one of the planning and zoning development standards. You have recently approved the Patriot Self Storage and there are a couple of pending applications that are making their way through the review process.
- Burk: So, I am not quite sure why we bothered going through all that pain of putting together this Crescent District plan if we don't intend to follow the plan. That is an editorial comment. Then my last question to you is your notes here – you have the notes that you handed to us – these are issues that are not – that are still outstanding?

Staff answer: So there is leftovers from when the application was reviewed at the planning commission and then with the revised layout that we received after the planning commission's recommendation – we found other things that needed to be addressed.

- Burk: So, there are 57 things that are in conflict?

Staff answer: Generally, yes.

- Burk: 57? And we would even consider – I am sorry, but I think that is amazing. It seems like this needs a lot more work. What was the planning commission's vote on this?

Staff answer: Let's see. On the rezoning application it was 5-1-1.

Notar: It was 5-1-1 for denial.

- Burk: Okay, then my last question to you is simply a clarification. The applicant is taking the amount that they would pay for the property of the Izaak Walton Park and they are taking that out of their proffer?

Staff answer: So, the capital facilities amount – based on the resolution 2005-111 gives you a sum total. The acquisition of the Izaak Walton property would be subtracted from that. So that is the remainder we have in this.

- Burk: So, in reality, the town would be buying the park.

Staff answer: It is not that we are buying the park. It is that the proffer package has this credit back to the applicant.

- Burk: Alright. Thank you.

- Martinez: For me that's [inaudible] paper. Alright? Was the pond a health hazard – public safety hazard? The way it is now?

Staff answer: It does not function as a stormwater management facility. So, in terms of state requirements, no. In terms of public safety – it is more of an aesthetic issue than it is a public safety issue.

- Martinez: Can it become a public issue? My concern is the swampyness.

Staff answer: I think if the town were to accept a water amenity, I think it may have an impact on our insurance rate. That's my opinion. There could be some potential liabilities with accepting a water body on a now public property.

- Martinez: The other question is are we going to have to some time in the future spend \$2.5 million or more to rehabilitate the pond and the building?

Staff answer: That is the question we have asked the applicant to help answer. We feel that there needs to be an analysis on the existing embankment to find out whether it is safe or not. Whether it functions properly.

- Martinez: That is my concern because of the fact that it has been somewhat neglected and we have no idea really what the green area – what kind of things are there – algae or mosquitos or all those different kind of public health issues could come out of that. That is one of my concerns – is the health and public safety of it. When you look at the \$2.5 million and the cost of the park – you are looking at the town investing \$4 million. A lot of people don't – this all sounds wonderful, but if we are going to put \$2.5 million of town money into making that park – whether it is next year or the next ten years, we have not – we do not have that as part of our capital projects so

either one or two things is going to happen. We are going to have to raise taxes to pay for that. We are going to have to take some of these sidewalks – some infrastructure and move it out of capital projects to put this in. That is one of my major concerns is the fact that this is all good, but if we want to make that park something that we have always done – a quality safe park for everybody to use, we are going to have to invest. So, if we accept this, we are going to have to make sure that we have that future fit in as part of our capital improvement projects. How many times has this been submitted? How many times have you reviewed it?

Staff answer: At least four times.

- Martinez: Okay because I agree with Kelly – 57 comments looks like a first submission, not a fourth. I am really kind of disappointed that we have not moved past 57 comments on a fourth submission. To me, either we are not doing our job right or there is something else going on. On the Crescent District – we talked about how we worked on it. One of the things we wanted to do is we know that residential doesn't pay for itself. But you can, if you take that into consideration the fact that residential doesn't pay for itself – who pays the difference for the infrastructure improvements and stuff? It's the town. Again, how are we going to pay for that. Increase the revenue sources or decrease the town services? Or we find some way to cut something, move something around. It ends up being a lot more work than just adding houses. The reason for by right is because the way the Crescent District was planned, was that whatever was built there, the developer didn't have to come to us. We didn't have to sit and negotiate proffers and that whatever was built was taken care of in that Crescent District plan so we didn't have to go through all of this. That's why I have a hard time accepting any changes to plans that we – what was it – four or five years we worked on that Crescent District plan to get this point. Now we want to change it? Am I right? Other than the 57 comments or tabs or notes or whatever you have got here, how many did staff resolve with the developer without having to go back through the planning commission?

Staff answer: It is a hard question to answer. I think some of them are more – some of them with the resolution of the staff comments, may generate additional comments. It's hard to say and how they resolve...

- Martinez: I guess what I'm getting at with that question is just putting this to a working session and us looking at it and trying to fix it – it could be more than just one working session.
Staff answer: I don't think it is ready for a work session.
- Martinez: Right. So, I think – you know, I kind of agree with Tom is that I think what we need to do is go to work session and figure out what we need to do if we are going to push back to planning commission and give them direction. Of course, I would love to hear from the planning commission and say their point of view on where we think we need to go with this because right now, I am trying to be open minded, but when I look at all these different changes and I look at the proffers and I look at the additional investments in this town – we are supposed to be making sure that we manage all these developments correctly and now here we are – we are looking at

future investments that we hadn't planned for. I am kind of being nice and calling them investments or opportunities – everyone say it nicely but what it means is it is going to come out of our taxpayer funds and we are supposed to make sure that we don't do that or if we do do that, we can justify it. I find it really hard to justify. I have got no problem moving it back to a working session and find out if we are going to move it back to a planning commission or directly to planning commission. Honestly, I would probably have a whole lot more comments or questions, but this is not the time to do it because we could spend all night doing this. But, I do want to thank you for all your help and all the comments [inaudible]. I know it wasn't easy putting this all together so thank you.

- Hammler: Thank you, Mike. Great report. Obviously a lot of work by staff has gone into this as well as the planning commission. I agree, given the number of outstanding issues it would be very helpful to go to work session just in terms of things that my own planning commissioner highlighted. Just the issue of rezoning two acres of green open space to high density residential when those two areas are near the pond and the fact that the town house properties will only be about 30 feet from the pond. The issue of the parking requirement being reduced by about 90 spaces and that it is anticipated that there will be on street parking to make up for that – we may have concerns and need to address flood mitigation possibly given some of the flooding that the town has experienced on Shenandoah Street. Also, you have already mentioned phasing, but I do think we need to go into that in more detail. So, just some of the things that have come to me through my planning commissioner. I would add that we definitely should look at the predicted number of school children and see what the school system has to say relative to, you know, what their expectation would be. I know we recently, as a council, reduced the capital intensity factors directed by the county for, you know, ultimately their requirement for school aged children, but I do think we need to get more numbers around that and obviously tonight the key point is to make sure finally that we end our comments so that the public can hear what the citizens think about this and what you would like us to work on at that work session. The last set of comments I'll make is when we bring this back to the work session, you have outlined for Izaak Walton Park the expenses related to if in fact it comes to the town through this particular rezoning but in case the public is not aware for many years the town has been leasing that park at about \$140,000 a year in the general fund we allocate for literally lease payments and we have been putting improvements into a park that we do not own. I would like that analysis to come back, Mike. How much money did we pay for the dog park? How much money have we already contributed and incidentally we have had several closed sessions figuring out how we could acquire this park primarily because we know we have been leasing it and putting all the town taxpayers money into it and we don't own it. We have never been able to one we don't have the debt capacity to come up with several million dollars to do that so I think that needs to be part of the analysis as well and I think we all know how important some of the residents feel about the dog park and the potential and incidentally despite

the fact that we don't own it, the council already has in their CIP some of these improvements, so at least we need to reconcile the fact that we were planning at least formally to continue to pour town money into a park that we do not own.

- Fox: The first question I have, there has been a lot of things that have been addressed and I have gotten those answers but my main concern is traffic impact and I probably would want to go back to one of those slides, but to Dave's point, in our plan – the Crescent District plan, we have Davis going through. Is that correct? This is going to be a through road no matter what happens?

Staff answer: Right.

- Fox: When you said – there was a slide there that said when you have more than 2000 car capacity, there should be a – I didn't catch that and I was trying to figure out what that was. You said there is 2000 going east, 10,000 going west. What needs to happen?

Staff answer: Based on the functional classification for roads in the design and construction manuals, there is a threshold that we have for the different classifications. A local street, a collector, a through collector and arterial.

They meet the threshold for a through collector. So, in terms of the anticipated land use and the functional classification of the road, we wanted to maintain Davis Avenue as planned for a boulevard.

- Fox: Why the disparity? Why 2000 going east and 10,000 coming west. I don't think I understand that.

Staff answer: The trip distribution when we scoped the traffic study – we look at the distribution of trips on site. The area to the south includes predominantly residential. Sycolin does provide an alternative means of ingress and egress from the downtown area, but based on normal driver behavior they are going to take the most efficient way to get to where you need to go and that's the bypass, so that is why the trips are generated more to South King Street because we already have the infrastructure and the interchange with the Rt. 15 bypass.

- Fox: Okay, in terms of parking, I think the planning commission has let us know that there is going to be reduced spaces and that the street parking is supposed to take care of it. If that is true, would the town be in charge of snow removal, things like for street parking?

Staff answer: In terms of the requested modification – it is based on the unit type. The townhouse, you don't get credit for – it is a two space garage. You don't get credit for the two spaces inside and the two spaces outside. You get credit for the two spaces outside and one space on the inside. So, in terms of our parking requirements, they are asking for modification to give them credit for parking spaces. If the use of on street parking, which again is a theme of the Crescent District is utilized, those spaces would be outside of the main travel way. Would the town be required to do the snow removal? I don't know whether or not we have examined the emergency snow routes for this. If it is in the public right of way and it is a publicly maintained road, yes we would maintain it, including snow removal.

- Fox: Is that something we can study and have the answer to for a work session?
Staff answer: Yes.
- Fox: Okay. And one more question, I wanted to address flood mitigation. I am a little concerned about – during your presentation you said there is some potential for some street flooding number one, but number two what is the effect for the down stream residents in Virginia Knolls been studied with all of those trees coming out of this area. You know, they are soaking up the water right now. What is the effect if you take those out, build. What is the effect downstream?
Staff answer: Regardless of whether the property is developed as proposed or if the applicant goes back and executes the approvable plans that he has, they have to meet the current state requirements.
- Fox: Which they don't currently?
Staff answer: The proposal before you doesn't. I can ask Bill to address the existing plans now – Bill Ackman, but the plan as proposed – it is our opinion that the strategy that the applicant is utilizing does not meet the state requirements.
- Burk: I just had a question. You started to say something and I didn't hear it. Someone said something about sending this to a work session and you said you didn't feel it was ready to go to a work session?
Staff answer: The rezoning. I don't think, based on the number of comments that you have and the nature of the comments, I don't think that the rezoning is ripe. The town plan amendment is definitely right because the council needs to discuss amongst themselves the merits of the application but if you elect to approve the land use change, then I think you need to guide the planning commission if you were to remand the rezoning application back to them. So, just to qualify that, I don't believe that the rezoning application is right for a council work session, but I do believe that the text amendment and the town plan amendments deserve your attention at a work session.
- Mayor: Mike, it is a little hard to figure out exactly how many residential units of which types we are talking about. I have got 207 or 209, I think it is townhouses and 96 two over twos and 96 multi-family and then another figure that I have never heard before – 35 duplexes came up. What are we looking at as the total number of residential units being proposed?
Gleckner: 198 townhouses, 96 two over two townhouses and 96 flats above retail or condominiums.
- Mayor: Okay. And no duplexes? Zero duplexes?
Staff answer: The reference to the 35 duplexes is the approvable plan. If for instance, the application doesn't move forward. They could come back and build – finish the approval process for 35 duplexes.
- Mayor: Okay, thanks. Dave earlier said something that is both true on the one side and maybe a bit less clear on the other. It is true that by right a good deal of office could go in here. It is also true that right now there isn't much of a market for it so if this remained in its by right state, I would not anticipate seeing much office going in at all for quite some time whereas the residential

could go in immediately. I am a little concerned about the lack of a proffer to preserve the trees in the area being reserved for the Greenway extension. And Mike, I think I heard you correctly – there is no proffer to preserve those trees until such time as there might be a greenway extension. We don't know if there ever will be necessarily.

Staff answer: As proposed, the conceptual grading plan would allow fill – allow them to fill. Whether or not they move forward with that particular grading scheme or not, based on the proposal and concept plan and substantial conformance with it – it would give them permission to be grading in the Greenway reservation.

- Mayor: I would hope there might be some thinking on Mr. Mitchell's part that preserving that tree canopy indefinitely might be much more attractive to the residents. I don't have anything else at this time. We do have a lot of people signed up to speak, but we do need to hear from the applicant first.

Christine Gleckner, Land Use Planner with the law firm Walsh Colucci represented the applicant.

- Applicant felt that the Tuscarora Creek valley is the natural dividing line between commercial mixed use and residential uses.
- Traffic generated by the proposed use will be less than the by right commercial uses.
- A four lane roadway is not needed under the applicant's traffic study.
- Two lane roadway is more pedestrian friendly and provides less impervious surface.
- Roads will be designed to Crescent District road standards.
- Open space features – Tuscarora Creek Valley and the Olde Izaak Walton Park are the features around which the community is organized.
- Greenway right of way reservation is part of the open space buffer.
- Office building could be used as a hotel.
- Changes made to the proposal to address planning commission concerns include:
 - Units moved further back from Olde Izaak Walton Park to create a larger open space buffer.
 - Reversed units along the bypass so the outdoor areas face interior to the project.
 - Buildings along the Greenway will have proffered noise attenuation.
- Some clearing of trees will have to occur in the 90 foot ROW reservation for the Greenway extension due to floodplain limits for the Tuscarora Creek.
- Town gains proffers with the residential rezoning totaling \$6.6-6.7 million.
 - Cash contribution of \$789,000 for transportation per the town plan formulas.
 - \$2.9 million for capital facilities (some of which will be used to purchase Olde Izaak Walton Park
 - \$390,000 total park proffer.
 - Fire & Rescue proffers.

- Constructing Davis Avenue from existing terminus to the existing terminus at Gateway including the bridge over Tuscarora Creek.

Ken Bowen, 306 Whitney Place, NE. “I am speaking to you tonight representing Toth Financial Advisory Corporation and Loudoun Properties. Unfortunately, the president and CEO of both of those corporate entities is unavailable. He asked me to speak to you tonight on his behalf. Toth Financial and Loudoun Properties are located at 608 South King Street, Waverly Park, which is adjacent to the planned development. Last year, we conducted an independent analysis of the existing plan as well as the amended plan. Our conclusion is that both plans, the original one as well as more importantly the proposed amendments have a net positive for the town of Leesburg as well as the greater Leesburg area. Our rationale for this conclusion is first and foremost based on the economic catalyst for the town as well as the Catoctin Circle corridor. Secondly, we believe that it provides an aesthetically pleasing entrance to the southern part of the community and third we believe that it provides traffic control measures that are positive to our business location. Lastly, we strongly recommend that this body approve these resolutions – these amendments that are before you.”

Bettina Guerre, 729 Vanderbilt Terrace. “I am speaking as a resident of the local community of which this development will be impacting. Good evening. I would like to speak to the development of Crescent Parke and how the increased traffic and construction will affect our community. Seven years ago, I moved from a highly developed, congested, crowded county to the charm and historic country feel Leesburg had to offer with all the access to modern conveniences. Now I fear for the changes all this proposed new development will rain down upon us. Rumor has it that the developer has been telling council members that the residents are in favor of this Crescent Parke project. Well, nobody ever asked me or anybody to my knowledge in my community or the surrounding community how they felt about it. We need to preserve the historic image and ambience of old town Leesburg and encourage businesses to remain there – not build huge commercial projects that drive the existing businesses out of town. What about the projected addition of approximately – we are hearing – 4000 to 6000 additional vehicle trips per day at least some of which will use Gateway Drive as a cut through. That would be adding to the traffic congestion, noise and air pollution adjacent to our residential streets. Will we now need traffic lights to control the traffic? What about the crowding of high numbers of people in small places? Up on Gateway/Vanderbilt Terrace, we are residential community. Our children play in our green spaces. We walk our dogs several times a day and breathe clean air and enjoy quiet surroundings. The forest that exists next to our communities on Gateway, where this development will replace serves multiple purposes. Buffer zone for the noise on Rt. 15 bypass. A habitat for deer, other wildlife, numerous birds including hawks, wetlands – there is a species of frog there that depend upon it. A floodplain, trees to provide oxygen and shade for our hot, humid summers. We have a dog park for Leesburg residents, fishing pond for recreation and hiking paths and picnic areas. Now, I understand the developer is going to add all that, but we already have all that in place. We are already enjoying that. We don’t really need a new development to change that.

Lastly, there is the element of preserving what remains of the green spaces in our town. This is crucial to the historic value and attraction of living in Leesburg, as far as I am concerned. Will there be no forest left for wildlife? The deer that now live there will be forced to feed in our back yards. When the deer no longer have any place to go but our backyards and residents start complaining, will there be open season on hunting them? Now that would be a travesty. Are we to develop every last square footage of space for more retail and residential occupation and lose forever one of the biggest attractions Leesburg has to offer? It's historic, small town country image. Don't we have enough commercial development with the outlets, the town center, the market village, the Lansdowne town center, and now the new Crescent Place down on Harrison Street? How much is enough? Do we really need more development in Leesburg. Finally, it is a quality of life issue to us residents who have to live here. Please keep Leesburg historic and charming and preserve the remaining green spaces for the future enjoyment of its residents, it's wildlife and [inaudible]. Thank you so much”.

Ilya Alter, owner of Dacha Beer Garden, Washington, DC. “We are working with this developer to bring a beer garden to Leesburg. We have opened our beer garden two years ago in an area that at the time was traditional in Washington, DC and some folks would say well we didn't know how popular it would become because it is a different concept. Nobody wants to walk far to a beer garden. We opened on the first day and we had over 100 people coming to checking us out. In over two years now, we have people standing in line to get into the beer garden, because what we have learned is people love being outside. They love socializing with their neighbors. They love socializing with their families. At our beer garden, you can bring your dog, a baby, a child. A lot of families come with their strollers. We have dogs and they spend their afternoons meeting other neighbors and making new friends. This is a concept we want to bring to Leesburg. That has shown to be very successful in DC and building on places in Germany where German beer gardens come from. As a government, you have a big opportunity to take an area right now that is not utilized but has very picturesque qualities like [inaudible]. To this area, not only a place where you could live, but have some commercial offices but also where people come together in the evenings, on the weekends and socialize with each other. Meeting other people who live in the neighborhood. We don't have TVs. The image you see there was a special event where we were showing the world cup last year. We don't have TVs usually. People love coming to us because we don't have TVs. They learn about their neighbors talking to their neighbors. [inaudible]. Building on experiences from Germany, this picture is a beer garden from Germany. This area can contain something like a beer garden from Germany that can become a destination for [inaudible] to come experience their afternoons and weekends with their families, dogs, babies. We have learned from our experience that people love this type of concept and I hope that [inaudible]. Again with this project.”

Russell Yergin, President Virginia Knolls Community Association. “A few notes that I had to change while I was watching – the Crescent Design District [inaudible] for through traffic. We call it a cut through to connect South King Street with

Sycolin Road, Plaza. It is our understanding that it will be a 96 foot roadway – that's two lanes one way, two lanes the other, a turn lane and/or an island in the middle. [inaudible] the increase in truck volume and part of the regional route plan. This 96 foot right of way gives us two lanes in bound and out bound from Crescent Parke for a total of four lanes – plus the medians that go all the way through until it gets to Gateway Drive, which is [inaudible] feet wide with parking on each side. I am not sure how the math on that works out, but [inaudible] with the amount of traffic that is going to come through, it won't. The 2009 traffic volume map, which was done by the town, indicates 6014 vehicle traverses up and down Gateway Drive to Sycolin Road. This was prior to the construction of the overpass – prior to anything doing with Gateway and Crescent Parke. Since 2009, the Town of Leesburg has grown significantly. Using the 2 percent factor, which has been used by the town this year on traffic studies completed earlier, the cut through lane between South King will move traffic from the residential area more than ever before suggesting that just the Crescent Parke occupants alone will occupy 10,000 traverses per day based on 2 percent [inaudible]. Add that to 6,014 at 2 percent growth, we are going to have about 17,000 trips per day. At this point we haven't even added in all the people who are going to take a short cut through the cut all the way over to Sycolin Road. They will come from King. They will come down the road and they will come from six different town communities. At that point, as they do now we have a significant amount of traffic. We are going to have Harrison Street inundated. Currently, since the finishing of the bridge going over the bypass, we have seen an incredible amount of increase in the amount of traffic. It stops at Catocin, and that traffic backs up all the way to the bridge. That is a little bit more than we thought it should do, but it also worries us because we have a park where children go and double sided parking currently from the dealership. It is a very hazardous area. Looking through the Town of Leesburg website, it shows and explains Sycolin Road and Hope Parkway scenario. Based on the analysis of traffic studies conducted at the completion of several major highway improvements in the area the intersection warranted a traffic signal to be installed based on the information. Hope Parkway is entrance and egress for one development. We would like to know [inaudible] the daily use that determines installation. We would like to see some of the off site proffers used for a stop light at Sycolin Road and Gateway Drive. We have to have some type of control of traffic. We would also like to see no left turn at least down at Harrison Street. Currently it is a hazard and it is going to be more so. I wanted to touch on just a few things – if we go purely commercial. I wish you had the cells up but I don't. If we go purely commercial, my development will be next to a commercial development, pure and simple. If you go half development – what has been stated, we are going to be against pure commercial. Five story buildings – and that's what I want to look at as I look down my street towards what was Izaak Walton Park and surrounding forest. The plans I saw – the density factor is high; however, it is still against residential. I don't like the idea of commercial coming in Harrison and I know they are going to come up Gateway if you go fully commercial. Harrison – that street was not designed for that. I am worried about that part and gets down to our home values. If you build by right, it is going to double the amount of traffic if it is truly commercial. Those are from the figures we have developed by the town. I will try to keep this short – for all the numbers of vehicles, the design plans – the

original design of the Crescent District for over a decade and Crescent Parke in 2012, down to the types of buildings, use of façade type materials – there is a myriad of concerns, but the one thing that seems to be left off the plan every time I have looked at it is the word flexibility. Flexibility is necessary for the neighboring communities to maintain their quality of life. They can maintain their neighborhoods and their home values unharmed. Thank you for the opportunity to speak. I request that my comments be made part of the record”.

Victoria Yergin, Secretary/Treasurer, Virginia Knolls Community Association. “As you are aware from our prior presentations, Virginia Knolls is excruciatingly concerned about water, flooding, floodplain management and stormwater retention. Any disturbance upstream of us has the potential to change the hydrology and velocity of the Tuscarora Creek. We cannot afford compartmentalization of projects. The Tuscarora Creek Flood Mitigation Project is directly related to successful upstream storm water retention and management. Velocity is an issue. We are concerned about grading under the FEMA grandfathered approved CLOMR on both sides of the Tuscarora Creek, this conditional letter of map revision had as its basis for approval grading that was applicable to the Leesburg Crossing conceptual layouts. Crescent Parke’s conceptual plans, design and grading would have to be identical for the grandfathered CLOMR to be wholly applicable or a new CLOMR would have to be obtained to address the new floodplain alterations. We are, however, delighted with the language in the applicant’s response to the CLOMR/LOMR issue indicating retaining walls will be installed in some areas to maintain the 100 year floodplain limits proposed with the grandfathered CLOMR. The developer’s 4th application clearly indicates a two neighborhood design plan reserving the area south of the Tuscarora Creek as wholly residential. This design has been challenged because it is contrary to the Crescent District Master Plan vision, which calls for the property to be developed primarily for commercial use. Unfortunately, the CDD ignores the 100 percent residential neighborhoods that this property abuts. Community acceptance of a residential community directly adjacent to existing residential communities will be very high. This very appropriate and use consistent marriage of residential to residential would be in keeping with the general understanding of the public that the Town of Leesburg has very strict standards regarding commercial entities encroaching on the esthetics of established communities, until we are faced with the proposed Dulles Greenway extension. Currently, the reserve area for the Greenway Extension is set at 90 feet, which has been aligned with a zero foot buffer right down the rear fence lines of existing townhomes. As a point of reference, the flyover is approximately 36 feet wide and consists of one lane with emergency or disabled vehicle shoulders. We see no other alternative but to envision a structure similar to the flyover complete with structural steel and enormous concrete support pillars directly outside the bedroom windows of established townhomes as well as the new dwellings proposed for Crescent Parke. Logic indicates the Dulles Greenway extension will be elevated as it comes into Crescent Parke at about 360’ above sea level and must run over Gateway Drive down the rear of established communities and be bridged over Tuscarora Creek to one of its proposed exits. One of the exits is Harrison Street at the point of Brandon Park, a location that frankly boggles the mind considering the age group the park was

designed to attract. We have absolutely no understanding of a zero foot buffer associated with this proposed roadway and would strongly advocate for a buffer equivalent to the maximum requirement within the Town of Leesburg ordinances. As a point of reference the applicant's southernmost line of townhomes are depicted with a 75' buffer from Rt. 7/15 with a 100' to 120' along their building restriction line. These buffers are enormous by comparison to zero yet planning and zoning is requiring the applicant to provide noise attenuation to 70 dbs. Of course, no such attenuation could exist with a zero foot buffer, thus it is the assumption this incredibly large roadway will be outfitted with concrete sound walls. There has to be a densely wooded substantial buffer between existing townhomes and the proposed Dulles Greenway extension for obvious reasons. More than sufficient adjustment in the size of the reserve area must be made to save approximately 12 existing townhomes. The absence of such an adjustment the magnitude of the dimensions of this roadway as well as the size of the equipment necessary for the completion of that project may force the town of Leesburg to proceed with condemnation and removal of these homes. The Crescent Design district is a very interestingly constructed vision. When residents look at the map, it indicates very clearly how it wraps around existing residential communities much like a shirt collar encircles the neck. Most feel the growth and development of the Town of Leesburg is a good thing until an innocent shirt collar starts to feel like a hangman's rope. We do not believe that this was ever the intent of the town; however, we must not allow business, financial and visionary complication to cause expansion blindness at the expense of the people who comprise the very fabric of Leesburg. If I might have a moment, Mike Watkins – some of the things he brought up – the park lease at \$140,000 annually for the time it has been leased probably represents more than \$2 million expenditure. I would ask the Council to please take that into consideration when you are evaluating the applicant's proffers. The suggestion that the Greenway is a divider – some sort of natural divider between residential and the plan amendment for commercial is sort of scary. I don't know that a 90 foot buffer for an elevated roadway would be considered a divider next to a residential neighborhood. The through movements are using the greenway into residential areas as part of the Crescent Design district. I am not quite sure moving cars off the Dulles Greenway through a residential area was a vision of this council. The Greenway is really not – we didn't intend it to empty into a residential community. I can't even imaging that was the plan. It might have been a vision to move traffic from one area to another, but to empty the Greenway into a residential community, I can't accept that as something you've known going in. Crescent Place sits squarely in a commercial area. That is something I've had a lot of trouble discussing with the residents when Council or the Planning Commission talked about sticking with the Crescent Design District plan very, very strictly in that Catocin Circle is 100 percent commercial, and yet there is a residential development in there. I would ask you to take those things into consideration. There are probably more. But I appreciate the time you have allowed for us to speak here and I would appreciate all of you taking into consideration some of the things that have already occurred as you deliberate on what is going to occur. I would like to make my comments part of the record".

Heather Williamson, Constellation Square. “I don’t have anything prepared. I don’t have fancy numbers. I don’t have anything like that to tell you, but I do want you to know that those of us that live at the end of Gateway, we do care. We are paying attention and we are here. We care about what goes in next to us. We care about the traffic impact. As it is now, the traffic from Gateway to Harrison using it as a cut through has increased. We see that. I see that every morning. I see kids waiting for the school bus and I see cars speeding past them, ignoring the stop sign on Harrison Street. It is hard to get out of Gateway and take a left. You know? You are taking your life in your hands sometimes when you are out there during rush hour. So, we do care what goes in. Do I want to see commercial development next to my condo? No. Do I want to see a whole bunch of multi-use, multi-family homes there. No. Like someone said earlier, would we like to see nothing and see trees? Yes. That would be great, but maybe that’s not realistic. So, if we could do something that at least be smart and look at the impacts and listen to the people – what they are saying tonight. I appreciate that people have businesses and they want to bring those things into the town. But we live there. Like someone else said earlier, but she is gone now. We walk our dogs. That is our area. That is our home. We do have concerns about what is going in – the traffic and the safety and the parking and all the things that come along with that. I can tell you that everyone that lives in my development – we work. We live in the town. We choose to be here because it is a nice place to be. I work for the county. I work in Leesburg. I have a five minute commute to work. It is great. I could not say anything bad. That being said, I want to continue to live here and I worry about what is going in next to me and how I am going to maneuver around that and how many trucks are going to go in front of my window at night because my unit faces the Greenway, so what is the impact I am going see? I just wanted to let you know that we do pay attention. We do care so even if we are not at all of these meetings, we do pay attention.”

Kate Ballard, 672 Gateway. “I just want to add a few more comments, but I am pretty much in agreement with what has been said. I have nothing prepared either. It is totally off the cuff. Stream of consciousness. Brookmeade condos is directly east of where this development and Dulles Greenway go in. As a previous speaker said, I would prefer it not develop at all. I like looking at the trees and we really don’t need a Dulles Greenway. But if they are going to put development through there, we would prefer residential. They also need to restrict the roadway – restrict it to no through traffic for trucks because Gateway, if you are coming up from Sycolin, that’s a steep grade. I know I slide down it when it is icy and I’ve got four wheel drive in my truck. We also need traffic impact to put a light at Gateway and Sycolin. It needs it now and it is really going to need it in the future. My third comment is that do we really need a Dulles Greenway? My understanding talking with Mr. Watkins about a month or so ago – questions about it – is it has been on the books since 1989. Well, Brookmeade Condo and Constellation Square, which is right across the street, started building in 1989. So, they obviously weren’t addressing us. My other understand from Mr. Watkins was the whole point of putting the Greenway extension in was to alleviate traffic at Sycolin Road and the bypass – because that was the worst traffic intersection – the most accidents in the whole county. We addressed that last year when they did the overpass. People are still

going to use it for a cut through, but we really don't need the Greenway extension anymore. It is obsolete. Thank you for your time. I appreciate it."

Tom Jewell: 114 Chesterfield Place. "For those that don't know Chesterfield Place is built on the old Leesburg land fill so times do change. I arrived in Leesburg with the help of Dr. James T. Jackson in 1946, so I have been around to see a few changes that have happened here. I also have been, as my son refers to it, representing this property since the time when the earth was still cold. I started out with seven owners. I am now down to one 95 year old gentleman who is still – to be honest he told me that he hoped that we settled in the last century, but we are now into another one. I have been a little amused. I would say that is the word I am trying to choose, by so many comments that are made about the property. This property has been before the town staff, the planning commission and the council at different times over three decades. Now, luckily, the year before you became mayor, I came in here with a proposal from Heredon Porcelain to locate a property on the north side of Tuscarora Creek. They became so disturbed with the town staff that they left and they were going to employ between 80 and 100 people in an assembly building. Also, I represented the Leesburg Community Church when they wanted to locate on the far side near the Greenway. One of the things that turned them off then was that they were not allowed to have access from Gateway – they would have had to build a bridge and the other was they had to make an enormous multimillion dollar contribution for the Greenway extension, which at that time, and I believe that was 1995 the town staff told them would cost 10 million dollars minimum depending on Corps of Engineer approval. Well you can imagine what that did to everybody. Another thing I heard brought up that – and this is to answer Kelly – about the school contribution. On that chart that was up there a while ago, it said \$1 million estimated for the pond and another \$1.5 million for something else – that could be easily schools because in your possession are reports from and I believe it was the DEQ who did a study when I brought a contract, I mean I brought an offer for the town to buy the Failmetzger property in – it was about 20 years ago for \$250,000. It was turned down. Also, for the 40 acres that we are talking about – the town turned down \$1.75 million to buy all of that. During that time, there was a study done on the pond and the dam and like I said I don't know whether it was DEQ or something like that – they basically said if it can withstand Agnes going through there, it is probably going to withstand almost anything else. When we get to the part about the road – the extension of the Greenway – I would say that not only is it too expensive but probably all of these people around here would make certain that whoever votes for that extension will not be in the next Council. One of the things too that has been turned down was when I tried to get the town to buy the 40 acres, there was a local philanthropist that was willing to donate up to \$1 million to turn it into an art park along the Tuscarora Creek. I want to end by saying – God knows I could go on – I heard some lady say she wants to keep this historic. I am so glad that some of the Council in the past approved Chesterfield. I think it is one of the nicest things that this town has to offer but this town is only going to survive if you all and the staff have the vision to carry it forward into the future. I think that this project is far and away the best that I have seen that has come before us as property owners and as all of you know I have invested a heck of a lot and lost a heck of a lot in downtown

Leesburg. I do want to say that try to work this out. It is insane how long this entire project has gone on. If nothing else, think of poor Mr. [inaudible] at 95, who will be 96 in January. The man deserves to have a settlement”.

Sarah Richardson: “I will be brief and perhaps repetitive. But bear me out. I live at 349 Shenandoah Street, S.E. The back of my home will face the new development as well as any potential construction of the extension of the Dulles Greenway. I am also speaking on behalf of my neighbors at 351 Shenandoah Street. They could not be here because of a medical condition. I have heard the arguments of the Development and find the interest in a residential rezoning reasonable given the state of commercial real estate in Leesburg; however, if the site is not conforming to the Crescent District design for mixed use, I question why it should contain so much more density than a conventional townhouse development. I have recently become a Leesburg resident who commutes to Tyson’s Corner and putting in denser development without immediately improving mass transit commuter options seems to me at this point really insane. I had never spent time on Rt. 7 before and having experienced that, more density seems scary. On a different front, I have spoken about this before, given the potential and some unpredictable problems that will accompany extensive construction on a flood plain and the increasing likelihood of severe climate change related and adverse weather events, I must reemphasize my concern for conserving as much green space, tree cover, and habitat as possible. Such components not only mitigate run off issues but create an attractive environment which is good for homeowners and real estate developers alike. It is good for the trees, it is good for the bats, we get the mosquitos. I also must say that having seen what appeared in the presentations tonight, the issue of the buffer zone is huge. The idea of the 16 foot grade, whether there is trees or not trees, of course for me I want the trees and I don’t want run off into my property and I don’t want to be looking at a wall of concrete. Anyway, thank you for listening”.

Jim Sisley: “It is nice to see you, Council, town staff, all these nice people in front of you. I am going to say some things – repeat some things that I first said to this Council almost 15 years ago. You were in that seat. I have been a citizen of Leesburg for a little over 21 years now. I just want to harken back to when the population of Leesburg, I believe in 1990 was 16,000, so we have grown considerably to almost 50,000 and some people say more than 50,000 – number that is quoted in Wikipedia and a couple of other places. Our town is in constant change. About 14 years ago, I became involved in the downtown area of Leesburg and started a couple of different organizations – Leesburg Crossroads, which was on track to become a Main Street organization. I was on the task force that founded the LDBA – the Leesburg Downtown Business Association. Been members of multiple commissions and helped form one of those commissions – the Commission on Public Art. I ran for Town Council. I say this for the record because I don’t approach this microphone as a novice and I am not unfamiliar with the issues the town faces but you have before you an opportunity to address some solutions and there are very few people who have spoke here this evening or often speak to you that bring a solution. Relative to the downtown, we have seen – I can actually count the number of businesses and I know Sola Palotta can actually name them – that have come and

gone. Of those businesses, the ones that exist right now that are in complaint mode about their potential success, the common denominator in all of that conversation is a lack of feet on the street and I will decode that. We don't have enough shoppers in the downtown district to make the downtown district competitive with the other retail that has been approved by various configurations of the town council and now reside on the eastern edge of Leesburg and may forever more define where people want to go if they are going to have an efficient shopping experience. So, you have a development in front of you that has made application and I hear this is the first and most indepth revelation of that application that I have seen. It is difficult to – from the things that are on line to discern what Mr. Watkins has presented and what Christine has presented on the applicant's behalf. One thing that I would hope that you take away as a silver bullet because we are always in search of one of those, is that this development will deliver something in the area of 800 to 1000 people that live in a 4 ½ block distance of downtown. I know one Council Member's home that is exactly 4 ½ blocks from downtown and she seems to be able to walk back and forth pretty well. So, the assertion of people that might live in Crescent Parke would not in fact patronize the downtown merchants, I believe it is inaccurate and I believe exactly what has been asked for over the past 14 years is to find a way to bring morning, day and evening visitation to the downtown. Let me tell you what that does for the town of Leesburg. It protects the historic architectural resources that we fight so very hard on the Board of Architectural Review to ensure that those resources are maintained. When you put more merchants that are able to survive because we have enough shoppers in the area into the buildings downtown, that means they more often pay their rent to the landlords, the landlords have more money to spend on maintenance of the building and the town as a result has more insurance that the historic nature of this community is maintained for years into the future. I know I have a short period of time, but I will tell you that this applicant has proven in the past themselves as builders, as visionary, as excellent executers of their plans. While you may, and staff certainly in it's recommendations to the planning commission in the past has recommended denial of the project, I will tell you that there is room for you in a planning session and referral in consultation with your planning commission appointments and referral back to the planning commission to get this application in an approvable state so that the town enjoys the benefits of the additional residents and the shopping that they could in downtown Leesburg. It converts an area of town that, I don't know if you have had the pleasure of walking that creek, but I can tell you it has the highest collection of refuse, tires, trash that I have seen in any public space in the town of Leesburg and I would strongly encourage you to defer this to a work session of the Council and then to work with your planning commission appointees – give them some guidance so we can get this application approved and move on. Thank you very much”.

Gigi Robinson: “I am a member of the Leesburg Planning Commission, but tonight I am speaking as a citizen. The myriad of applications for Crescent Parke will need heaps of work to be good for Leesburg. The concept plan is vague on many details and the proffers are insubstantial. Why? Because the applicant is not the builder. The applicant still has to sell this to someone. He has intentionally left the application vague, proffers lacking, transportation wanting so that the builder will

take on this project and realize maximum profit. What savings will he pass on? No phasing which would trigger commercial retail or hotel construction. Reducing Davis Avenue to two lanes and more importantly reducing a four lane bridge, which will fail to accommodate future traffic, cramming and jamming as many residents as possible at the expense of usable open space, transferring ownership of the park so the town will have to take care of the pond and grounds. Making sure the town cleans up the pond as it is hard to sell houses with a swampy pond view. Insisting that the six million dollars spent on Davis, the access road to the development is sufficient to negate commercial, residential tie ins, leaving out any commitment to tree save areas, leaving the entire site eligible to be clear cut including the area reserved for the Greenway access/egress. Negotiating the sales price on over two acres of land that is currently on lease because the next person will need to put dwelling. In addition to being very aware of the forward sales price, the applicant has gone to Herculean efforts to convince Virginia Knolls that this application is the best they will see. The truth is every potential builder will have to meet the same standards for water velocity and quality. Further since there is such vagueness regarding BMPs, etc., there is a very good chance that the site plan will need multiple adjustments. So, what does the town get out of the deal. Well, how about bringing up the Crescent Design Plan and zoning for an application that is not fixing any problem, such as blight. Offering a transportation design that will impact the taxpayers in the future. So, perhaps the bridge alone will be another \$3 million for two more lanes, paying a purchase price on property the town hasn't negotiated nor has a person to act on their behalf. Paying that price with what should have been called capital facility factor funds that are earmarked for Leesburg schools. Paying the clean up the pond at Olde Izaak Walton park because if the town didn't the applicant would have to convince the state to do so and [inaudible] a new lease without any idea of defined terms and conditions that would indicate physical out, etc. Agreeing not to expect any construction of commercial retail or hotel. It seems that the master sales rep has conjured up quite a saleable plan and it leaves the town to pick up quite a substantial tab. As someone asked me, who on the council wants to stand up saying they shorted funds for Leesburg schools. It is a daunting question. I hope you will use your ingenuity, patience, canniness with this application. It will test them all."

Jennifer Coonan: 702 Vanderbilt Terrace. "I don't have anything prepared either, but just have some concerns with some things I heard today. It has been pretty difficult to follow the bouncing ball. It has changed some and I am sure you guys are well aware of that, but my main concern is in our community in the Townes of Vanderbilt we have 109 units and we have one point access into which is on Gateway Drive. With the amount of residential units that they are talking about building, I just want to know what kind of traffic study we are looking at. We have also seen some different numbers there. We get quite a bit of traffic right now on Gateway and my unit actually is right on the corner there right on Gateway, so I know all the traffic that comes by and I am very concerned for that traffic, but I am more concerned with having a four lane road or boulevard or what it is referred to as. I am really not interested in that and I know nobody in our community is and I believe that the other folks that we have heard here also have a concern for that. The

Greenway extension is also a concern of mine as well as everybody else, but mostly for what that is going to do with traffic coming on to either Harrison or Catoctin or wherever it is going to end up terminating there. I have a concern with that and with what that structure would look like – what kind of sound proofing there would be – what we would be looking at when we are looking out of our windows. So, those are my main concerns for what I see here. I just heard some conflicting numbers so I don't really know what is right and what is wrong but those are big concerns for the folks in our community. That is all."

Gem Bingol: Piedmont Environmental Council. "You may have seen my letter to the editor published in Leesburg Today regarding the Crescent Parke development site and proposal. I forgot to mention, in fact, I totally forgot was that this sensitive area was analyzed as part of a 2008 study of the Tuscarora Watershed by the Center for Watershed Protection by the PEC and the Town and the results were presented to the town at that time as the most heavily forested area in the core of Leesburg, it is important for key stormwater benefits that it provides for Tuscarora Creek, the town and local residents. I will get back to that in a minute. Whether it is the proposed changes to the town plan, the zoning text amendment or the rezoning itself, the Crescent Parke proposal does not comply with the vision for the crescent district growth. So, it has already been discussed that Crescent Place was under different guidelines. You do have a redevelopment proposal – at least one coming forward for the Crescent District in an area where there has already been development, so you are not making this kind of major conversion of an area that might say okay, it's just trees, but it does have an economic value. I am going to go on to talk about the specifics here in terms of matching the plan. The area is envisioned for commercial development and the potential for vertically integrated mixed use as opposed to this type of suburban style neighborhood. One thing that I think is really important to talk about is the phasing that they are pointing to as transportation oriented – that you will get the transportation up front, but commercial phasing, it is not there. So, would it be built before the residential? Will it be built at all? If that is what you are looking to get, maybe you will just get that residential neighborhood and that will be it unless it is proffered, you won't get it. So, the street grid was mentioned. I understand the neighbors concerns about having a four lane going into the small Gateway street and I appreciate that. That is something that I guess should have been considered as part of the Crescent District plan and didn't get considered. The proffers don't adequately cover the costs generated by the development. Mention of needing to cover the school needs generated by the residential units was mentioned. Taxpayers will pick up that difference. The proffers compromise the town relative to Izaak Walton League park. That has been discussed. Skrimping on open space, preservation of the forest and quality of life details for the future residents, I think have all been mentioned in some fashion, but I think they bear repeating. I think more attention to the goals of the Crescent District as opposed to the architectural designs would have been a useful thing. Now, going back to the Center for Watershed Protection study. Despite a town appointed watershed stakeholders steering committee working on how to best incorporate the recommendations of the report, it is all too easy to lose sight of the various planning recommendations that have document made and I am as guilty as anybody. You know what, I really didn't

follow the Crescent district plan, so how could this plan in 2008 that really recommended preserving forested areas not get addressed in the Crescent District plan. I guess I am at least partly to blame for that and I can't believe I'm here saying that, but I am. I want to mention though, if we are going to change the town plan, why not consider changes that would actually benefit and preserve that forested area to a larger extent? Trees have an economic benefit. There are lots of documents that can point to that as well as stormwater benefits. They can reduce stormwater run off from 2-7 percent. Mature trees store a lot – 50 to 100 gallons of water during a water storm. The return on investment is great for practices that manage stormwater including planting trees. So, if you have got a forest of mature trees, that has got a huge economic value. So, I heard my bell ding. I deeply regret that those issues were not included in the Crescent District plan, but given the problems with this application, I think that the best choice is to continue to let this site, although I understand what you are saying about we could get commercial, this site probably isn't going to be the one that is going to develop first in terms of the Crescent District if you don't approve this plan. So, I hope that you will very seriously consider this application for all of its flaws and decide accordingly”.

Leland Grogan: Brookmeade Condos. “I don't have a long speech prepared. I just heard about this hearing on Monday and then saw on my door on the condo that we are having a meeting with the developer last night. I was 45 minutes late because I never saw it before I left for work. So, not very familiar, but this public hearing today definitely provided a lot of information and answered a lot of the questions. To me, it appeared that there are essentially two different issues – one of them being the four lane highway, Greenway extension and then you have the proposed development. They are entwined. I understand that. The developer – it appears that he is providing a potential solution for the four lane to two lane, which as a resident is extremely important to my wife and I. I moved to the area about five years ago. Got married. Bought a house. Now I am a Leesburg business owner as well so this is my town. I absolutely love it here. We love to see how it is becoming such an up and coming place. I understand with that comes development. So, with the four lane highway, as my wife and I consider a family in the area, four lane highway that is nothing that we consider to be safe for dogs, children, anyone in the immediate area. The Greenway extension. That is also a concern. I understand that has been on the books for a while. That is, I am sure a different discussion, but consider as many people requested, my balcony looks out at the wooded area. Beautiful sunset. I don't have to see the Greenway or any other houses. It's wonderful. That's one of the reasons we moved there. So to conclude on the first point of the road work – transportation. Most likely if there was a four lane highway put in and if there was still the potential for the Greenway extension, my wife and I would most likely consider relocating our family. Regarding the development, I do have mixed feelings on that. I also work as a general contractor for developers in DC so I understand it is good for the community and for the surrounding areas. It was mentioned that the wooded area between Gateway and the park is home for nature and animals and everything. I have walked to the park through the woods a couple of times- beer bottles, drugs, homeless people mostly sleeping there as well. There are pluses and negatives. I could see where doing something with the land would be beneficial.

The park is also a point that would be nice to have close to home. Regarding the park, it seems like some of the numbers that were provided were possibly [inaudible] members could consider having a general contractor actually survey, come up with a proposed design, schematic of the building, actually come up with solid numbers to make a better decision. Essentially ask the council to question those in favor of the project or for any of the transportation roadway or the project itself, who of them live in the immediate area – if they will be impacted by 1000 people now living right next door or a four lane highway running right next to my house. Please consider the residents of the immediate area and the impact of this plan for what is best for the spirit of Leesburg”.

Michele Westbrook: 645 Constellation Square, SE Unit B. “I used to work for Southern Engineering Company and my mom was vice president of Greenvest Land Development, so I understand all this stuff that is going on, but I have got to admit it is a bit overwhelming. In my opinion, it seems we are putting the cart before the horse. If I were trying to [inaudible] would be spending millions of dollars if I didn’t know exactly where it was going. It’s like, you know, I am put \$50,000 a year but I don’t know exactly that is going to work. On a more personal note, I have been out of work for four years. I just got hired today, thank God. But, I am not sure that – Loudoun County is a very prosperous county, don’t get me wrong, but I am not sure we can afford another commercial development. Downtown is struggling as it is and so are some of the other businesses around here. Putting more commercial space, because I live on a very tight budget – I don’t know how that is going to work”.

Victoria Yergin: “Thank you for the opportunity, Madam Mayor and Members of Council. I would just like to take this moment to correct the record this evening for any inference that the Virginia Knolls Community Association represents the interests of this developer at all. We represent the interests of the Virginia Knolls Community Association. If our residents are in agreement with any part of this gentleman’s proffer – this allocation, we will represent that and that is not because we are representing the developer. It is because we are representing our people and our homeowners and any inference to the contrary is inflammatory and totally not appreciated. I just wanted to correct the record this evening in that regard. Thank you for the opportunity”.

The public hearing was closed at 10:41 p.m.

Council Comments and Questions:

- Fox: There are a few things that came up during the applicant’s presentation. I did want to comment that the way they have things zoned – the way they have the residential and commercial, makes a lot of sense to me. However, I also agree that residential doesn’t pay for itself and I am a little hesitant there. I think we do need more commercial tax base in the area. But, getting into some specifics about the townhomes, I was taking a look at what was on the screen and I was curious as to the townhome width. It looked like there was some variable widths there.

Applicant answer: The townhomes are 16 feet and 20 feet wide. We have two different widths.

- Fox: They are in the same building, so the same building would have two different widths?

Applicant answer: The units that you see represented are similar to what you have at Crescent Place. Size, height, architecture is a little different, but that is the type of product that you are seeing going up now. It is down there – it is just a little different architectural. That was part of the negotiations or discussions about having something a little different than we have at Crescent Place at Crescent Parke.

- Fox: I just want to make a quick comment about the four lane boulevard. I understand that it is in the town plan. I think a similar comparison is to the boulevard that goes through Kincaid Forest at this point in time. I was wondering if staff or town council has ever received any complaints about that particular structure of road in relation to speeding, in relation to walking dogs. Things like that. Things that are of concern to some of the speakers tonight.
- Mayor: Yes, we have – coming from two different directions. We have had complaints that people don't feel safe crossing it because it is too wide. We have also had complaints from those that want to go faster on it saying that the speed limit is too low.
- Fox: Okay, that answers my question. Thanks. You know, I have a lot of notes here. I really feel like we probably need to parse this with a work session. Maybe even having some things go back to the planning commission. I was interested in hearing what the chair of the planning commission had to say. I think she is still here, but I didn't hear anything from them officially, so I will put that in that I would still like to hear what she has to say, but other than that, I am going close with that.
- Hammler: Very much appreciate you staying this late and all of your extremely valuable contributions. I personally took copious notes and will look forward to diving into this at a council work session. To kind of summarize, we have talked a lot about proffers covering the cost of development. Or we sort of talked about the pros and cons of by right development and what this could be from an economic impact perspective, but it would be very useful, Mike, if we actually net it out in terms of real numbers. If you look at the net economic impact say now versus what this previously by right or with this development and net out the costs to include obviously things like police – that is not included in the proffers. You know, street, trash, all the things that we do as a town. We certainly talked about the school contributions and you know, juxtaposed against the economic impact based on the scenario that we are looking at here then we can dive into proffers in ways that we have already described, Izaak Walton Park and what we have already contributed over x number of years. Quite frankly, this has certainly brought up the opportunity to clean up some things we have to such as the Greenway extension, so that's a good thing and just literal clean up. I would say there is a role for the Environmental Commission. We have got some serious cleanup to do no matter what, but I look forward to diving into the details at a work session. Thank you all very much.

- Martinez: Well, I think I have said enough. I want to thank all of you residents for coming out. One of the things that we don't do is hear from you enough. The fact that you came out and you care about what is going on in your neighborhood is really nice. I really enjoyed – well, I don't know if I enjoyed, but I appreciate your coming. I liked it. Let's put it that way. Thank you very much.
- Burk: Just a couple of things. I want to thank everybody for coming out. It is really interesting the other day, we had a group of girl scouts and one of them asked us if people coming to talk ever made a difference. I have to admit tonight your arguments about the road really did resonate. I can understand your concerns there. So, I can go back and tell the girl scouts that yes, it definitely makes a difference and they will be happy to hear that. I agree with Suzanne. I think we need to take this to a work session and there might be part of it that we send back to the planning commission, but I think it is important that we get the input of the residents and I think that was very apparent tonight, so thank you very much.
- Butler: A couple of quick things. I think there are some good take aways from tonight that we have heard from a number of people that spoke like a no trucks sign, I think is a great idea. You know, the phasing, the trees, the open space. I think these are all things that you know Hobie can take back and start to look at how they could improve the plan. The road being two lanes, I can agree with that 100 percent because that is exactly the same complaint that I had with Hope Parkway through Stratford, and I am trying diligently along with a number of my fellow residents to try to take part of that road and turn it into a two lane road with parking on both sides because it will slow down traffic and it will reduce the number of cars that flow through there, which is exactly, I think the difference here. We cannot make that same mistake again here and have it be just two lanes. One thing that did surprise me is a lot of complaints about the Dulles Greenway. I have to admit that you know when I was sitting down listening to the potential development and they said yeah, we saved the 90 feet right of way for the Dulles Greenway extension and I'm like yeah that's okay. As if that will ever happen in our lifetimes. I still don't think it is ever, ever going to happen, but I didn't realize that there was such a concern with residents that it might so I think that is something that we may want to talk about and see if – I know staff maybe won't be all enthused about this, but we may want to talk about whether we actually want to keep that on the plan or if it time we decided that no we are never going to have it in real life so let's just get rid of it instead of just having it there and laughing at it every couple of years. In the last thing is we have heard a few folks mentioning that houses don't pay for themselves. Maybe I can take a couple of minutes at the next work session when we talk about this to show that is absolutely not true in Leesburg. We can talk about it later. We are not going to talk about it now because everybody will fall asleep. Another thing, I would just like to ask Council Member Hammler when she asked staff for the economic impact, that would be a really hard job, I think. Maybe you are asking them for the financial impact to the town budget, which is something that I think staff would find easier to do. The total economic impact on commercial versus residential would be much more difficult.

- Hammler: [inaudible] referenced for this type of situation.
- Butler: that's the financial impact on the town and the reason I say that is not to say "bad Katie" or anything like that, but that's a significant shortfall or fault of you know, previous studies that say houses don't pay for themselves. They talk about a financial impact or an economic impact, and what that means, we can talk about later and take off line. Thanks.
- Dunn: Did it look like I was nodding off? I wasn't. I have been up since 4 o'clock this morning. I did appreciate everyone coming out this evening and I appreciate everyone's input. It was very helpful. A couple of things and I agree. We need to take this to a work session. A couple of things with that. I would hope that Council can have their questions and concerns ready for that work session otherwise we might have multiple work sessions on this. I was also interested to find out how and why the Greenway extension was even brought up as an issue. It started to sound like it was more of an issue that was thrown in to cause concern where it shouldn't have been. Take it from someone who lives – my neighborhood is the Balls Bluff neighborhood and I have had a four lane road going through my neighbors back yards ever since I have lived here. I would like to know what the plan is on the books for that. I would also like to know if we have any numbers – the term cut through was used quite a bit. I would like to know if we have any numbers for traffic that would truly be cut through. What numbers are going to be traffic that is generated outside of this development? The reason why too is if we have any numbers related to Battlefield being completed because the idea would be I would think maybe your neighborhood would be the one to cut through versus going on Battlefield, but if you had any numbers on that staff on proposed cut through traffic along with Battlefield being completed because I would think you would take Battlefield on around to South King Street versus going here. Also, was there any speed limit numbers thrown out for this development for this road? And let's see – do we have an idea of what work session this would be going to?
- Butler: The next one is kind of full already, isn't it?
Staff answer: You have a choice of the next one which is October 26, or November 9.
- Dunn: One of the comments that I heard back – Sorry, I got to throw it on you Hobie because it came from my Planning Commissioner, who is the chairman and through the different submittals the opinion was that they weren't getting a lot of the changes back from the applicant so they would make suggestions but there weren't a lot of changes coming back to the planning commission. I would hope if we are going to go through the effort of working through this process to a good compromise that can be a win win, there has got to be some changes. So, I don't want to see us have – keep coming up with 50 issues that are still staying on the books. So, I hope that if you need more time than two weeks, speak now because I don't want to see 50 issues on there.
Applicant answer: Council Man Dunn, I am glad you brought that up because it is almost like déjà vu because I remember when we came to you at Crescent Place, we actually had more issues to you than we have currently on this one, except for the broader issue which is the residential in that area and the road issue, but we worked through them and we came up with some solutions. In fact,

- many of the things you might have heard – for example, we have been working with the homeowners associations next door. We haven't gotten through to everybody – we have tried to reach out, but we find solutions. We don't want to come in here and clear cut a lot of trees in areas, but we have to deal with facilities standards – the CLOMR. In fact, that was one of the questions that we have been working with Virginia Knolls residents. We know we have to clear an area where the CLOMR is. That is what you have to do, but what we are going to do is we are going to transplant large trees. We did a representation that you saw earlier. That area that was fully forested, there was nothing. We replanted it. We moved 500 trees in one project. To the extent that we can move them, we don't run into rock. We actually tried some today to move down to Crescent Place, but we ran into rock so we will have to do it another day and find a better location. But that's what we do. Evidence of what we do is all over. Crescent Place, Lansdowne, all these other places that we develop. We try to do the best we can to communicate with all the residents and any resident that we haven't talked to, we would be glad to talk to make sure we kind of address. Traffic is a big issue. One of the things with the traffic – we talked about a four lane – two lane. The Rt 50 and 15 area is primary roads. Two lanes. They handle 30,000 plus trips per day. It works. You have to find techniques to slow people down and be safe. A four lane road in this neighborhood, whether it is commercial, residential or both is not a safe road, so what do we do to design something that is going to be safe and carry the capacity. So, that is what we are going to work through on this work session. I really want to go to the work session and work with you. Maybe it is the second one if we are getting close, so that's what we want to do and we hear your comments. We went through again or before and we will do it again and we will work through it.
- Dunn: Thank you. Lastly, as we move forward, for me – I don't know where the rest of the council is. I don't want to put the park to be a bargaining chip to be accepting this just to get a park and a park that is questionable as to how much recreation that is involved there and the quality thereof. So, the – it is sort of like and I think of the comment was made earlier – it is sort of like hey I am the birthday money that you get in your cards – oh good. Let's throw a party. I don't want to throw a party with my birthday money. That's sort of what we are doing. It looks like we are taking proffers to take a park that needs a lot of work. I would rather there is 50 something issues here. I would rather work on those other issues that are exclusive to the park. Get those fixed and then we can talk about the park. So, that's what I said. I would rather not have the park involved in this discussion. Let's get the bigger issues taken care of. Thank you very much. Also, should we go down the park discussion, I would like to know where we are as far as ownership of the park. If the applicant does not have ownership thereof or it is all up in the air, then I don't know why we are discussing it.
 - Mary Harper: We started out – Mr. Watkins' correct me if I am wrong. We started out, Mr. Mitchell, we had three work sessions. We started out with 90 some issues. We got down to 70 some issues so that is down to 57 does show that there is a willingness to work through some of the issues; however, we still have you know issues to work through. Some of those issues pertain to the park,

so it would probably be 50 issues all total. So, you know that is where we started and that is where we are today. Suzanne?

- Fox: I am going to ask if some of the issues that weren't addressed tonight that you might have on your paper, maybe we could get that in some sort of written form so that we could look at that as we go into our work session because I really don't want to take up more time with that.
- Harper: Well, I can tell you that the August 20 minutes cover a lot of them. It was the road, the on street parking was an issue. We thought the density of the project was a little too much. We wanted a reduction in the number of the total units. We also asked for a variation, integrated use of various widths because we were told they were all 16 foot wide. I understand tonight that there is going to be 16 and 20, is that it? The planning commission did not support the use of 16 foot wide townhouses due to just giving it the appearance of just total mass of units. We asked for 22 and 24 foot wide. We were turned down on that, and then we did request that additional fiscal analysis be provided that demonstrates the need for additional residential dwellings and the analysis quantifies the consequences of removing commercially zoned land in the crescent district, so that is some of it, but I can put something together for you and get it to you. I will have it to you by Friday, if that is soon enough. I have a planning commission meeting this week, so I will be busy. If anybody has any questions that they just want a quick answer, they can give me a call at any time. I will try to do the best I can for you. If no one else has any other questions, I think I am going to go home now.

On a motion by Council Member Butler, seconded by Council Member Dunn, a motion was made to put this on the November 9, 2015 work session. The motion was approved unanimously.

- Woman in the audience: I would like to ask a question. Are you going to be able, if you want to – to get the Greenway extension off the books, or are we going to need to petition VDOT because it was their idea to start with?
- Mayor: We will find that answer for you. I know the council wants that answer very badly at this point.
- Woman: There is also a stream that is coming down right where between Brookmeade and coming down behind Virginia Knolls so if they do fill, they are going to cover up the stream.
- Mayor: And that's a concern.
- Applicant (Mitchell): Yes, thank you, Madam Mayor. We will continue working with the neighborhoods and we will continue reaching out to them and if anybody here tonight hasn't been met, I will be glad to give them my card so we can get together with them to continue the dialogue. We are going to continue the dialogue with the other neighborhoods as well – the ones we have been talking with on several times to come up with some solutions to...one other comment. You might find it weird having a beer garden here speak tonight, but I think the point of that is we are trying to bring the lifestyle type of user into the town and add to it. We think it is part of the whole community ambience so that things like that – family oriented...so you have a beer, but we all have a beer, I

guess, once in a while, but those things were important to try to add into the design and uses into the community. So, we are focusing a lot of lifestyle. Leesburg is about lifestyle and so we want to continue with that.

- Fox: In reference to that, the beer garden. Do you have any other businesses or anything like that who intend to come in – who has expressed interest?

Applicant: We have been talking to a number of businesses, especially in some of the area where you have retail. Businesses could – restaurants – we like the idea of restaurants or things like that type of use. But a lot of them are trying to see what happens. I mean we had – you met the fellow from the Dacha down in Washington DC. They have done a phenomenal thing. In fact, if you haven't been there, you should go there. It is really a unique experience. The food is unbelievable. But, most of them don't want to talk to us anymore until they see what happens here. They don't want to commit to that. But I think there is a good number that will come in here subject to us moving forward.

- Martinez: Well, I will say I have no aversion to beer gardens, that's for sure. But, I just want to let the resident's know that when we have a work session, there is no petitioner's section so you are going to have to sit here and listen to us debate for three or four hours so bring some coffee, pizza. Or watch us from home.
- Hammler: Of course the very next night is your opportunity to come and tell us what your thoughts are based on the work session.
- Mayor: Very good point.

11. RESOLUTIONS AND MOTIONS

- a. Articles of Incorporation for the Thomas Balch Library Endowment Foundation

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

RESOLUTION 2015-116

Approving the Articles of Incorporation for the Thomas Balch Library Endowment Foundation

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

- b. Memorandum of Agreement with Exeter Homeowners Association and Award of Construction Contract for Sinkhole Repairs

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

RESOLUTION 2015-117

Approval of a Memorandum of Agreement with the Exeter Homeowners Association and Award of a Construction Contract for the Permanent Repair of the Exeter Sink Hole

Council Comments:

- Hammler: Just for the record, I am a resident of Exeter. For the record, there is no conflict of interest voting on this.
- Mayor: Correct, there is no conflict of interest.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

c. Bike Loudoun Initiatives

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

RESOLUTION 2015-118

Bike Loudoun Initiatives: Phase One – Identifying the Leesburg Loop

Council Comments:

- Butler: I would just like to say that since the last time we met, the Parks and Rec Commission voted unanimously to recommend this.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

d. Fiscal Year 2017 Capital Funding Request to the County of Loudoun

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

RESOLUTION 2015-119

Request for Capital Project Funding from the County of Loudoun in the Fiscal Year 2017 Capital Improvements Program

Council Comments/Questions:

- Hammler: In addition to Capital Funding, which I appreciate we are doing, I know that there was a number of items that Council has brought forward for after the election in November – felt that it would be better timing to start tackling some of these joint town/county issues such as the Sheriff's department and so forth. I look forward to following up with that.
- Dunn: This is something that I have been hoping for for years and I am glad that we are finally doing something. However, I would – I did take some notes, but I can't – Kaj, what tab is this thing? 15? I did have just a couple of other points that – for example I would have liked to have seen even though we have funds allocated for it – we could have put the skate park on here. There is a number of

improvements at the airport. If there is something that is a county/town benefit, it is the airport. I would have liked to have seen more from the airport. Things like the Exeter dam situation – as Katie pointed out, it is right up next to basically an interstate road. So, I think that there is a lot that we could have put forward to the county. This is a fair first step. I would have liked to have seen more.

- Hammler: Did you want to make any friendly amendment to add stuff, Tom?
- Dunn: If we could, I would. I don't have the numbers for those things. One, I don't know where we are at on the Exeter dam. Airport, I don't have specifics with me tonight. Skate park, yeah we could. I think we roughly have a number, but I don't have any hard numbers that I could put to those tonight.
- Hammler: If we wait two weeks to get the number that Tom wants to add, is it going to impact something timing wise at the county?
Staff answer: We have a deadline to get this into the county for their budget process. We are meeting their deadline so I don't think that we have time on our side. Am I correct, Renee?
Lafollette: Yes, the deadline for our submission to the county for the CIP is Friday of this week.

Council Member Dunn offered a friendly amendment to add the skate park to the resolution.

The amendment was accepted as friendly.

Council Comments:

- Butler: Supervisor Reid did send us an email requesting that, I think if I read this correctly, that we ask the county to take the \$2 million from the fiscal 17 CIP for an interchange study at Bypass and Battlefield and try and [inaudible] the \$2 million to improve the intersection at Battlefield and 15 bypass. So, I just want to bring that up in case anybody thought that was a good idea. We could add that. I am not suggesting it. Just wanted to bring it up.
- Mayor: Renee, I guess you would be the best person to answer this. Is that practical, possible at this point? I know we are trying to do work at the at grade interchange at Battlefield and the bypass at the north end to try to alleviate – we can't really alleviate the back up because that is caused by areas outside the town. Is there any point at this point in trying to get \$2 million for that at grade interchange? Would it do anything?
Staff answer: At this point in time, staff does not believe that \$2 million towards that intersection would do much of anything. The capacity issue is to the north of town. Ken's email specifically said not to ask for it for improvements to the north because it is not in the transaction 2040 plan, so hasn't been reviewed by NVT. What we have done at the intersection with tweaks to the traffic signal timing, adding the no right turn on red and having police presence has made some impact there, but if we have an incident that happens to the north of town, there is nothing that we do at that intersection

that is going to make a difference. We do have the traffic study that VDOT is paying for that we have added some money to look specifically at that interchange or intersection, but we don't have the results of that back yet. It came in incomplete. VDOT sent it back. We are expecting that in by the end of the month. We don't know what it is going to tell us at this point. The project has not been rated by NVT A because we work with county staff to look at the interchanges that would have the best chance of getting funding and we have been concentrating on the 7/Battlefield interchange to get one fully funded so we can start moving that one forward. The [inaudible] is going to be starting on that one. Does that answer your question?

Dentler: Staff would also like to recommend that after the election, is when we would like the council, staff, and the board, and VDOT to get together to have a discussion about that area. It is going to take all of us. We only control a little bit. Until the election is settled, we know what the interest may be of the board. At this point, we are kind of on hold. We do look forward to moving forward once the election is complete.

- Dunn: There was one project that I actually when John was here, I mentioned it to him. I think the number was about \$800,000 and that is and staff let me know if the project of Lowes is going to eliminate that bump out in the right lane going east on 7 when you come from the bypass and go to the Battlefield light. You have got that one bump out that is about two hundred yards. Is Lowes going to eliminate that and if they are not, that is going to cost about \$800,000.

Staff answer: The estimate that I did for John was between \$800,000 and \$1.2 million. That is not on a road that we control. VDOT controls that section of Rt. 7. So, would we want to spend our money in that area or have the county do it? I am not familiar enough with the Lowe's plans to be able to answer your question.

- Dunn: It's you are sure familiar with it. You got to get out of that lane and then right back in it. It's the strangest thing but if we have any way of getting rid of that, that would be great even through a developer or getting county or state funds to do it. Thank you.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. Additions to Future Council Meetings.

Vice Mayor Burk: We had a memo on the homestay issue. I have had the opportunity to talk to a couple of different council people from other smaller towns and some of the bigger ones and it may not be an issue for us right now, but in the future it has caused some major problems in some other localities. Some of them have actually banned the practice. I talked to Visit Loudoun and they suggested we treat it like a B & B and make the same requirements. They pointed out if something were to happen – someone staying in the house that doesn't have sprinklers, the house burns down, that most certainly is not going to be very good for us for not having done something regardless. So, after having read your memo, I would like very much to be able to talk about that at a future work session. I think it is something that we really need to start looking at to get ahead of it.

Mayor: Right now, we don't permit it as I understand it. The gentleman who contacted us wanted us to permit these extended stay home swapping vacations. That is what I understand. If we are not going to change it, why do we need to talk about it? I mean, if you are not proposing that we change it, why would you want to talk about it?

Burk: There are two issues with it. Do we want to change it so that it does come under the regulations of a B&B, or do we want to keep it the same and not do anything? We do have a couple of people that do do it now in the town and we are not enforcing – we are not doing it. Am I correct on that, Barbara, that we are not at this point enforcing it one way or the other?

Notar: We are not. We are not enforcing it one way or the other because there was one complaint. We looked at the zoning ordinance. To me, we weren't sure that we could prohibit them based upon the wording of the zoning ordinance, so there has been no regulation of it at all. If you want to start prohibiting them, we would have to take a look at the zoning ordinance. We have not sent any notices out yet.

Mayor: Do you want to start prohibiting them?

Burk: I would like to have that discussion, yes. I would like to have that discussion as to what we should be doing about it. In these other locations, it has become a major issue.

There was no Council consensus for bringing this to work session.

Council Member Hammler: My commissioner on Public Art and my Planning Commissioner had both asked about mural regulations for commercial enterprises in town. At the VML conference going around Richmond it was interesting just the sheer number – like 100 is their goal – with commercial entities incorporating murals onto the sides of their buildings. I would benefit personally just from a memo – I am assuming we just don't allow them, than a work session discussion so that we can possibly encourage commercial investment in public art. The timing is interesting now that we saw again what Dacha has done in downtown

and it really is an attraction. I know the county is working on things like nightlife and things that just bring people out and encourage people to socialize. So, if council would be open to reviewing our regulations for private commercial mural – find out what the regulations are.

There was Council consensus for a memo on this subject.

Council Member Fox: I would like to have a discussion in the future about the topic that Paige Buscema brought up tonight. There is some issues with bill payment and when they are due, when they should be posted. Things like that. There is a discussion that needs to happen and I would like to propose that we go ahead and do that.

There was consensus to bring this to the November 9 work session.

15. COUNCIL MEMBER COMMENTS:

Council Member Dunn: Had no comments.

Council Member Butler: I have three disclosures. I spoke with Sandy Grossman with the Exeter HOA – potential legal matter related to a dam. I spoke to Hobie Mitchell on the phone around Crescent Parke and spoke to Chris Gleckner about Crescent Parke on the phone. Other than that, I would just like to say thank you for the council supporting my resolution on the Bike Loudoun.

Vice Mayor Burk: Had no comments.

Council Member Martinez: Hobie called me just before the council meeting about Crescent Parke.

Council Member Hammler: I have three quick disclosures. I had a meeting this evening on Sycolin Commons with Andrew Painter from Walsh Colucci and Philip Barber from MI Homes and I had two separate phone conversations – Hobie called me on Crescent Parke and the O'Connor property on October 5 and also this evening. I just wanted to once again thank Keith and everybody involved in the fantastic youth in Local Government opportunity to bring 60 kids from Simpson to town hall. This was a wonderful gift. They all signed this great t-shirt. The mayor got one too. The mayor and vice mayor were here and did just a fantastic job helping to coordinate with just the above and beyond the call of duty support of Ms. Beard, the teacher. Kind of one of the interesting comments she didn't personally make, but another one of the teachers that they still have to respond to their SOL requirements and so they sort of had to do this above and beyond. So, this maybe something we even want to put on our legislative agenda because I think we are getting great feedback that it is a valuable part of their curriculum. So, thank you to Mr. Runfola for his great support and we will look forward to figuring out if we can expand the program next year.

Council Member Fox: I have no disclosures, but I wanted to say congratulations to Katie on her appointment.

16. MAYOR'S COMMENTS

I have one disclosure, which is I met with representatives of what is now being called Mont Faire, which is the same Sycolin Commons project along Sycolin Road opposite Stratford. Proposed residential community. Just north of the Walgreen's shopping area. Marty and I got to help with the ribbon cutting at Dick's Sporting Goods today. I want a kayak and I want it soon.

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 11:29 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2015_tcm1013