

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

Council Members Present: Kelly Burk, Thomas Dunn, II, Katie Sheldon Hammler, Fernando “Marty” Martinez, Suzanne Fox, and Mayor Butler.

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Planning and Zoning Susan Berry Hill, Senior Planner Delane Parks, Senior Planner Irish Grandfield, Captain Vanessa Grigsby, Airport Manager Scott Coffman, Paralegal Carmen Smith, and Clerk of Council Lee Ann Green

AGENDA

ITEMS

1. **CALL TO ORDER**

2. **INVOCATION** was led by Council Member Hammler

3. **SALUTE TO THE FLAG** was led by Cub Scout Pack 1168

4. **ROLL CALL** showing all members present.

5. **MINUTES**

a. Work Session Minutes of January 11, 2016

On a motion by Council Member Hammler, seconded by Council Member Fox, the work session minutes of January 11, 2016 were approved by a vote of 6-0.

b. Regular Session Minutes of January 12, 2016

On a motion by Council Member Hammler, seconded by Council Member Dunn, the regular session minutes of January 12, 2016 were approved by a vote of 6-0.

c. Emergency Electronic Meeting Minutes of January 25, 2016

On a motion by Council Member Dunn, seconded by Council Member Hammler, the emergency electronic meeting minutes of January 25, 2016 were approved by a vote of 6-0.

d. Emergency Electronic Meeting Minutes of January 29, 2016

On a motion by Council Member Dunn, seconded by Council Member Fox, the emergency electronic meeting minutes of January 29, 2016 were approved by a vote of 6-0.

6. **ADOPTING THE MEETING AGENDA**

On a motion by Council Member Hammler, seconded by Council Member Dunn, the meeting agenda was adopted after moving Item 9a to Section 7 by the following vote:

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

Nay: None

Vote: 6-0

7. PRESENTATIONS**a. Black History Month Proclamation**

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

PROCLAMATION

BLACK HISTORY MONTH

FEBRUARY 2016

WHEREAS, in February of 1926, sixty-one years after the ratification of the 13th Amendment to the United States Constitution, Dr. Carter Woodson, a noted historian, desired to recognize the achievements and contributions of Black Americans in this country; and

WHEREAS, the month of February was appropriately chosen to recognize the achievements of Black Americans as it contained the birth anniversaries of Abraham Lincoln and Frederick Douglass; and

WHEREAS, the traditional one-week observance was expanded in 1976 to include the entire month of February; and

WHEREAS, Black History Month allows us to honor the achievements of and celebrate the heritage of Black Americans while recalling the courage of their struggle to achieve equality; and

WHEREAS, historically Black Americans, such as Dr. Martin Luther King, Jr., Harriet Tubman, Rosa Parks, Medgar Evers, Jessie Jackson, Dred Scott, W.E.B. DuBois, and Mary McLeod Bethune have worked to lay the very foundation for the free and diverse society that we as Americans enjoy today; and

WHEREAS, this year marks the 52st anniversary of the signing of the 1964 Civil Rights Act that gave all citizens of the United States equal rights under the law.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim the month of February of the Year 2016 as Black History Month in the Town of Leesburg and urge the citizens of Leesburg to join in recognizing the contributions made by the Loudoun Chapter of the NAACP and other community organizations to preserve and remember the accomplishments of Black Americans throughout the history of our nation.

PROCLAIMED this 9th day of February 2016.

b. Catoctin Elementary School Request

Fourth Grade students from Catoctin Elementary School requested that they be allowed to place a collection box at Ida Lee Recreation Center to collect items to make care packages for pediatric patients and their families undergoing cancer treatments at local hospitals.

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

RESOLUTION 2016-010

Authorizing the Catoctin Elementary School Fourth Grade Students to Place a Donation Box in the Lobby at Ida Lee Recreation Center to Collect Care Packages for Children Receiving Cancer Treatments in Area Hospitals.

The motion was approved by the following vote:

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

Nay: None.

Vote: 6-0

c. Presentation – Planning Commission Annual Report

Former Planning Commission Chair, Mary Harper, gave a brief presentation on the activities of the Planning Commission.

Key Points:

- 20 meetings during 2015.
- 4 Special Exceptions, 9 rezonings/proffer amendments, 6 Town Plan/Zoning Ordinance amendments.
- 4 cases were carried over for additional meetings – Crescent Parke, Village at Leesburg Land Bay C, Potomac Station Marketplace Rezoning, and Patriot Self-Storage.
- Discussed bikeways, applicant initiated town plan amendments, watershed and tree commission presentations.
- Annual retreat.
- Applications to be heard in the coming year – Leesburg South (Meadowbrook), Crescent Parke, South King Street multifamily, Montfaire (Sycolin Commons), River Creek age restricted housing and Brown's Car Sales.

8. PETITIONERS

The Petitioners section was opened at 7:48 p.m.

Andrew Borgquist: My name is Andrew Borgquist. I am sure you guys know who I am. First, I want to say congratulations to Council Member Butler. I see you are the mayor now. So, I am glad to see that. So, I am coming and speaking on the issue I have been bringing on numerous, numerous, numerous times before this Council. So, I have been here for many meetings and I am here again tonight because I am angry. I

have worked for this town for 14 plus years and then one night two years ago, I had a bad experience with a Leesburg police officer. Chief Price has come before this council many times talking about his community policing approach, telling how his officers get to know the residents and understand their needs. Well, that was not my experience that night. That night, I think Leesburg police did not act as they should. I don't think it was a very good attitude. I have expressed that I felt they were needlessly aggressive. This was not really that big of an issue to me at the end of the day. I was okay; however, I did voice my disagreement with the way I was treated that night. No one should ever feel they cannot express how they perceive a situation when there is reasonable and justifiable basis and manner for doing so. The town of Leesburg management and the officer in question learned of the disagreement I had expressed. I have come to this council many, many times and we have had a bunch of different discussions and there has been a lot talk about what it is. So, I brought a visual at this time. I feel like I was treated like a piece of trash. So, you have a visual to help you understand exactly how I felt about the way it occurred and the way I was treated. Specifically, there was a report that was created by the Director of Parks and Recreation, Rich Williams, and I felt that it was made sure that I was afforded no courtesy and [inaudible] bias and severity that should concern this council and that I had brought many, many, many times before this council with no avail yet. So, allow me to then express a little bit of how I feel about some of the communication that has occurred from the town of Leesburg and some of the reasons that I have been given for the way I was treated and the way this occurred. [inaudible]. I have been given excuses and reasons that just don't sum up. And I am not okay. And your manager, Mr. Dentler, disrespects me by his refusal to acknowledge the poor manner in which I was treated by Mr. Williams. Certain members of this council have attempted to avoid discussion by citing personnel issues. I just really don't understand that. Being treated with dignity, fairness, transparency, and respect are not issues for the Council? I think they are. In which case, if bringing those before the council, you know, I felt as though my issue was a little bit with management, but I will say that I guess if the council doesn't feel it a council issue, then maybe my issue is with certain members of this council that aren't going to stand up for this kind of thing. But, I like Mr. Dentler and I understand why this council is loathe to either reprimand Mr. Dentler or take action that would bring around that this kind of thing doesn't occur – people aren't treated this way, but I just don't see that Mr. Dentler has shown leadership or taken action when it was necessary. I feel if Mr. Dentler continues to refuses to act, his contract should not be renewed. The town of Leesburg can do better. Residents of Leesburg deserve better.

Michael Banzhaf, 122 Chesterfield Place, SW. Congratulations on your election. As you may know, I do zoning work in the town and I also do it in the county and I am familiar with the county zoning regulations as well as the town. There are two text amendments that I thought were a good idea. Some of these are born from county experience. In the county, you can have a by right basis in non-residential districts like PD-IP, PD-OP, PD-RDP and retail – a commuter parking lot by right. In the town, you can only have that in B-3. B-3 is a retail district which you have up and down Market Street. The county would like to have a commuter lot over across from Wegmans. Most of the parking is under the power lines – that is what is proposed. It doesn't take office use or any warehouse use either, particularly. It would be a lot that would help

people get from the town over to the new Silver Line, is the idea. The county, I think, is in contact with Kettler, the owner of Landbay B, and they would like to be able to construct that lot. I am not sure who is building it. I think Kettler would build it on behalf of the county. Both parties are interested in having this move forward. Another way of doing it is to rezone it B-3, which you can do, but that's not really what's called for in that district. I-1 is probably the right district for that area. A by right use makes sense there. If you are concerned about proliferation of these lots, you could limit it and say it is permitted by right if it is within so many feet distance, whatever, of a grade separated interchange, which would be a logical nexus, if you will. That would work over there. The only other place I know it would work would be Battlefield Parkway and Market Street. If you wanted to have one there, it wouldn't be a bad use either, frankly. Or out on Petersen's piece right there where Battlefield Parkway is and the Greenway. That would be a logical place too on a by right basis – if you want to limit it like that. Anything else would be a special exception. I've talked to staff – I wrote you a letter just to identify what I had in mind. Happy to talk to whomever about it. This seems to make sense to me. It is kind of a simple matter but I know text amendments are always kind of dicey. There is no timeline to them. I've heard Mary Harper say how much is on her plate. I get that and staff, too, has a lot going on. So, it is one of many things to be considered, but this one has a timeliness element to it and if you think it is a good idea, I wish you would initiate that and move forward. The other one has to do with PRC mixed use centers. There are only three of those that I am aware of in the town. The zoning regulations for mixed use center has a ratio in the 2.5 retail to 1 office. It has been that way for many, many years. When we took the Potomac Station rezoning forward, that ratio came up and staff is saying we really can't modify that. We don't necessarily agree that it has to be that way, but you may not modify that. So, my thought was why not make it discretionary on the part of Council, if they want to modify, they may. Which is the way your B-4 regulations work. B-4 – Village at Leesburg has some of that – that allows a mixture of uses on the north half of the retail area. You could do the same kind of language in the PRC mixed use. The County just did something similar to that with their MUB district – their mixed use business district to allow greater flexibility for over/under uses and that was well received. The board of supervisors adopted that in December. I just thought it makes sense to take what you have in B-4 and put it in PRC/Mixed Use. That's the other letter I sent you. That also requires a text amendment because according to staff that's one of those that while you can modify district regulations in a planned district, you can't modify that ratio according to staff. So, rather than meet that issue again, I thought it was better to change the text. That's why I am here tonight. I'd be happy to answer questions or I'll talk to staff about it later.

Bob Sevila: I, too, am here tonight seeking initiation of a text amendment to the zoning ordinance. I represent a company called St. John's Properties and with me tonight is Matt Holbrook of St. John's and Kevin Goeller who has been representing us as a realtor from KLMB. We are here tonight because we have had several meeting with staff regarding a 17 acre parcel of land that is located right across Sycolin from the airport. It has been zoned now for 27 years and has never developed. The current zoning is I-1. Mr. Holbrook and his company became interested in this parcel, we approached the town. We were going to have a pre-application conference to discuss

the possibility of building a product that Mr. Holbrook and his company build and operate successfully, not just in Virginia, DC and Maryland, but in eight states, up to 18 million square feet of property. And what it basically is, is a flex-industrial product. When it came to Leesburg and we had our meeting with staff to discuss the possibility of 160,000 square feet on this parcel, it was determined that it would not be possible to put all the various uses that he locates typically in his flex industrial sites throughout the area and also here in Loudoun County as 600,000 square feet of such space here in the county. It allows great flexibility in locating tenants. I wrote all of you a letter. I hope you have had a chance to read it. I have cited numerous examples in that letter of why a product like this might be useful here in the Town of Leesburg. The reason that Kevin is here, is he is a realtor and he finds himself frequently trying to locate tenants in Leesburg and in Loudoun County and it is difficult to do that because you discover, as we did, many of the uses you want to locate in such a facility require a special exception at considerable expense, some time delay and in many cases, tenants aren't willing to file for special exception, locate for example in the Town of Leesburg, when they might just go right across the town line into the county and locate there, which is enabled under the very ordinance that Mike Banzhaf just mentioned to you a minute ago which is the mixed use, I think it's MUB. But anyway, they actually allow flex industrial. They redefined their ordinance. We are urging the town to do the same thing. After our second meeting with the town, we got a very thorough report. I brought with me an exhibit – I know you can't read it, but it is color coded and exhibits all the proposed uses that Matt Holbrook told staff that he might want to locate. In the columns out here, staff took the time to say which ones you could do by right, which ones require special exception and we certainly began to see that a real problem was emerging and Brandon White of Susan's staff, the planning staff, wrote up a nice memorandum in which he said basically, if you want to do what you propose to do here, you've got three choices. One is work with the ordinance that you've got right now and file as many as 9-10 special exceptions for the various uses that you'd like to have in there. Blanket special exception, as of right now, doesn't exist or is not favored by staff, I'd say. The second thing we could do is just file proffer amendments and special exceptions for those uses under the existing regulations. Finally, we could come before the council and ask the council to initiate a process by which a special exception for this mixed use business could be engaged here in the town under our existing ordinances. I think staff concurs that is probably the best preferable way to proceed. So, that's why we wrote a letter to you and shared that with the staff. I think if Ms. Berry Hill was called on tonight, she would let you know that we have thoroughly examined possibilities and come to a mutual belief that a zoning ordinance amendment to allow that in the Town of Leesburg zoning ordinance is a very appropriate thing to do and will provide the numerous examples of benefit to the town. Until then, it is just lost opportunity, lost revenue, lost possibilities for locating businesses in the town. So, hope you will consider seriously that request and if possible, I can only tell you right now you have an applicant before you here in the room tonight. He is not an applicant yet, but we have been to two pre-apps to try to get into a position where he might file an application that is going to provide some very valuable mixed use space here.

Kevin Goeller, 907 Rolling Holly Drive, Great Falls, VA. I have conducted business in Leesburg for the past 45 years. I live in Fairfax County; however, I work in

Loudoun County and the Town of Leesburg. I am a broker with KLN Commercial Real Estate and for the past 30 years, I have made a living leasing space to tenants. Today, my inventory is probably 3 million square feet of which 2.9 million is in the county and 100,000 square feet is in the Town of Leesburg. I am here to verbalize my support for both of the previous petitioners for some text amendments and I think as Mike Banzhaf was talking, the I-1 district – that’s a perfect example of not moving forward with rezonings in the I-1 district. But more than that, a lot of these uses that are allowed by right in the county – we need to go through the whole process of special exceptions to get these uses in the Town. And we have got some under abundance of that flex product that we need to really – if we are going to produce more economic development and grab some of these tenants, we have to pay attention to that. I fully support the text amendments. I am available for any questions.

The Petitioners section was closed at 8:04 p.m.

9. APPROVAL OF THE CONSENT AGENDA

On a motion by Council Member Hammler, seconded by Council Member Dunn, the following consent agenda was proposed:

- a. *Reduction of the Performance Guarantee for Public Improvements Installed at Oaklawn at Stratford Landbay D (TLPF 2006-0018)*

RESOLUTION 2016-011

Making a Reduction of the Performance Guarantee for Public Improvements at Oaklawn at Stratford Landbay D (TLPF 2006-0018)

- b. *Construction Contract for the Route 15 (South King Street) Widening Phase II Project*

RESOLUTION 2016-012

Awarding the Construction Contract for the Route 15 (South King Street) Widening Phase II Project to General Excavation, Inc. in the Amount of \$5,806,309.50.

- c. *Professional Airport Planning, Engineering and Architectural Continuing Services Contract for the Leesburg Executive Airport*

RESOLUTION 2016-013

Awarding a Professional Airport Planning, Engineering, and Architectural Continuing Services Contract for the Leesburg Executive Airport to Talbert and Bright, Inc.

- d. *Contract for Access Control Security on Entrance Gates and Buildings for the Water Pollution Control Facility and the Utility Maintenance Building Project*

RESOLUTION 2016-014

Awarding the Access Control Security Contract for the Water Pollution Control Facility and Utility Maintenance Building Security Fences and Gates Project to CTSI

- e. *Art Exhibit by Sharon Saknit*

RESOLUTION 2016-015

Approval of a Public Art Exhibit at Town Hall by Sharon Saknit

- f. *Town Council Consent to Declaration of Local Emergency*

RESOLUTION 2016-016

Consent for the January 2016 “Declaration of Local Emergency”

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 6-0

10. PUBLIC HEARINGS

- a. TLZM 2015-0009 Village at Leesburg Child Care Center
The public hearing was opened at 8:06 p.m.

Delane Parks gave a presentation on the application for a child care center in Land Bay B of the Village at Leesburg.

Key Points:

- Request is to amend the Village at Leesburg Concept plan and proffers which is in the PRC to allow a 4,480 square foot child care center use in Building M for a maximum of 86 children and a supporting 3500 square foot outside recreation area.
- This use would normally be allowed under the PRC zoning; however, it was proffered out with the original land use map.
- All residents of the apartments overlooking the recreation yard were notified as per the conditions set by the Planning Commission. No complaints have been received.

Council Comments/Questions:

- Fox: Thank you for the report. I just have a couple of questions. The one about the residential notification, that was just asked and answered or answered just for me. Parking, you said that there is – you mentioned an ADA accessibility pathway and you mentioned parking in conjunction with that. Does that, I believe I attended the Commission meeting where they were discussing the parking. Is there parking that is going to be right adjacent for ADA folks who might need it?

Staff answer: Yes, in this particular diagram, the area in the orange – there is five regular parking places there and two handicapped parking spaces.

- Fox: So, this is not in the garage, correct?

Staff answer: No, this is not in the garage. The idea was that if you were dropping off your child, you could pull into one of those spaces and drop them off immediately adjacent to the day care. Now, what potentially could happen was something that Planning Commission wanted to address – what happens if everybody is coming at the same time and there is simply not enough parking spaces? So, the applicant has agreed to provide a parking plan. In essence what would be done is persons would be directed through either the pamphlet or information that each person who has a child in day care would get. They would have information knowing where to drive to. So, if there is not an available space here, they would drive down the street and actually I think I have a diagram over here. They would actually continue to drive down the street. You see where 1609 is? Instead of turning in there into one of those parking spaces, they would continue down Russell Branch Parkway, turn right onto Balch Drive and then turn right again on Red Hawk Lane and into the Parking Garage. And then you see the dashed line. That would be the direction that they could walk down into the building. Now, that's only if there is not parking spaces available for drop off, but as the case is sometimes with schools and so on, you pull in, drop off and leave. So, there are usually spaces that do become available so if they do want to stop and stay longer, that is the option in the garage. This is an urban environment, so you don't always get afforded the sort of suburban lay out.

- Fox: Just one more quick question. You mentioned open space – the green space below the apartments is going to be used for the recreation area of this day care. Is there any issue with using open space for business use?

Staff answer: No. As long as they met the overall open space requirement, which they do. They have provided it on the overall Village at Leesburg.

- Hammler: Thank you for the report. Could I just clarify – did you say that the notification was sent out January 28?

Staff answer: Actually they sent out a notification in January in preparation for the previous meeting public hearing that was snowed out and then they readvertised because the meeting date changed. So, they did send two mailings out – certified mailings that included not only the adjoining property owners, but also as a result of the conditions – the plan conditions, all the renters in the apartments above the recreation area.

- Hammler: And certified means someone signs for the residents. Just for the record. I certainly would be interested to know if we have anyone coming to public hearing to speak on this because at least when I was looking at the calendar, it struck me if the letters went out on the 28th, that is not very much time for people to reflect on – a letter just came in – and

actually think about the possible impact if their decks are literally above where the children would be playing. In terms of the fence, I mean, just as a parent, I would certainly get concerned that a pool is so close to where children are playing. Are there other locked, like opening gates between either of these fences that...

Staff answer: Yes, the recreation area has to be completely enclosed. The fencing completely encloses the recreation area.

- Hammler: And what safety review from a regulatory perspective – does the town conduct any of that relative to – say in this case it's that a child care center literally in front of a really busy intersection for instance or anything that sort of – kind of the letter of the law and I guess we have to sort of look at common sense.

Staff answer: As far as day care uses, they have to be completely enclosed and they have provided a fence that would meet our requirements. There is security in terms that they have to meet the day care requirements from the state as far as having adults out there at all times with the children. They have also provided – one of the additional things they have provided as part of the process was the access door to and from the recreation area was a completely solid door before. Now it is a door that you can see through and see out into the recreation area. They have provided a number of additional things that we have requested – the town has requested and it is also required by the state.

- Hammler: Okay, and my final question – that are the actual hours that the children can be dropped. Could you say it quickly – well we can go over it during that then. Of course, I am absolutely looking forward to hearing from the public.
- Burk: The proffers – with this amendment, how do they change?
Staff answer: The two parts about the proffers that I brought up – one just changing dates and references to the revised concept plan. Probably the most significant one had to do with the language where they agreed to provide an arrival and departure plan. So, prior to the issuance of the occupancy permit for a child care use, the applicant will submit to the Zoning Administrator an arrival and departure procedure that will be given to parents of the children attending the facility and they will identify the areas and process of loading and unloading. This is probably the most significant change to the proffers.
- Burk: And that is in addition to the old proffers?
Staff answer: Yes, oh yes. No proffers were removed.
- Burk: Okay and then the drop offs. Are they going to be marked as drop offs, or are they going to be public parking?

Staff answer: Well, they will be in the plan so people will have that information. I would suspect and the handicapped spaces have to be marked as handicapped spaces. I am not sure if they will be marked as such – the regular spaces.

Applicant answer: The five spaces outside of the handicapped spaces are designated for the Montessori school use and are just that. They are just

additional spaces that we are adding to the center. We aren't removing any.

- Dunn: Just wanted to first check on my scout endurance time. Are you all doing okay? Only three more hours, guys, then you get that merit badge. A couple things. I know, Mike, you talked to me about this earlier today. I don't think there is going to be a problem with going forward with a child care because it is definitely needed. I did have a couple of questions, though. I felt that the playground area was a little on the narrow side. Do you have any numbers as far as the maximum children allowed at any one time in that area? What is that?

Staff answer: Yes, actually I think in the original portion, I mentioned they could have a maximum of 86 children, but they could only have I think about half that at any one time in the playground. I think they were going to be doing it in two stages so at any one time they could have 44.

Applicant answer: The maximum we could have out there at any given time is 75 square feet per child. That's about 3800 square feet, so roughly the maximum we could have is 50 at one time, all supervised obviously. Depending on the classes that we have enrolled on any given day or hour or time, we will bring them out by classes though, so it will be anywhere between a handful and 50 at the max.

- Dunn: Then the other question I had is – I imagine that the village needed a certain amount of green space with their project. Does this still fall even though the nature of the green space is now changing to designated just for the child care. Does that still fall within what was the original requirements for green space for the Villages?

Boucher: There is a trade off here. If you went down this little access road today to get back to the garage, there is actually parking on the opposite side of the road from where the daycare is proposed. They are taking that out and putting it on this side, so they are restoring green space on the side nearest the pool, so they keep the balance throughout the community because yeah, it's pretty tight, needless to say, on greenspace, but they are making up for it on the other side of the road. Kind of a quid pro quo.

- Dunn: And it's equal?

Boucher: Yeah, just about.

- Dunn: The only other real issue I had, especially when dealing with kids and day cares and drop offs is this is getting ready to be a major east west road when completed. There is no stop light here and my concern is that there are only so many parking spaces and as much as it is nice to say we would like you to take the long way around and go into the parking garage, I am not going to do it. I am going to wait and I am probably like most folks as scary as that might sound. I am concerned that might be something you might end up finding you have to work on a little bit as time progresses and that road becomes busier. That the drop off times might have to be staggered in order to meet your customer's needs. That's all I have. I am interested in hearing if there is anyone from the public to come out and the applicant's presentation.

- Butler: I just had one question. You said the planning commission vote was 5-1-1, so one opposed. Can you tell us about what the primary reason was that one commissioner opposed?

Staff answer: I can say that she didn't specifically mention the reason.

But she did – at the meeting – but I do believe there was some reference to at the time the ADA accessibility, but again in an urban setting you don't always have the opportunity to have all the parking spaces immediately adjacent to those entrances. She acknowledged that.

Mike Banzhaf and Rob Lucas presented the application for the child care center at the Village at Leesburg.

Key points:

- Corner is next to Eggspectation and was always meant to be a retail corner. This will allow this use instead.
- Same amount of FAR and fewer trips with this use.
- Rental units have 2 bedroom apartments and there are families with children who live there – it is convenient for them to take their children there.
- Also will provide day care for the office uses and soon to be developed townhomes.
- Garages were designed for the retail use, which produces more vehicles.
- Traffic lane adjacent to the use is a turn lane – westbound movement should not be hampered by the turn in/turn out movement.

Council Comments/Questions:

- Fox: Just one quick question about the neighbors, not residents, but residents and businesses. Have you had any feedback, positive or negative about it?
Banzhaf: I haven't heard anything from anybody. We gave them certified mail letter, by your zoning ordinance and state standards too. We did all of that and we didn't receive any comments back. I haven't anyways.
- Fox: Nothing at all?
Banzhaf: No.
- Hammler: I was listening for this and maybe I just missed it, but what are the hours of the daycare center?
Banzhaf: I'd have to ask the operator.
- Hammler: Okay, as part of the operation did you, for the new use submit comparisons between an economic impact perspective for the town for extending retail versus an alternate use?
Banzhaf: They are both fiscally positive.
- Hammler: Just the net difference between one versus the other.
Banzhaf: I couldn't tell you that off the top of my head. They both add taxes to the town. They are both fiscally positive.
- Hammler: Okay, I'll have to figure out if there is a way that we can get that net difference, because I would appreciate that.

Operator: The hours are Monday through Friday. Drop off begins at 7 a.m. and would go from 7 to 8:30 a.m. to help with the drop off time. Pick ups would go from approximately 2 to 6:30 at night.

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

The public hearing was closed at 8:31 p.m.

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

ORDINANCE 2016-O-002

Approving Concept Plan and Proffer Amendment TLZM 2015-0009 Village at Leesburg Child Care Center, Amending TLZM 2014-0006 to Allow a 4,480 Square Foot Child Care Center in a Portion of Building M in Land Bay B

Council Comments:

- Hammler: Just a couple of comments. From a personal perspective it strikes me as much as I appreciate the comments about, you know, obviously people living and working right there where you sort of look at cars whizzing by at a high rate of speed. It certainly from a common sense perspective it would be raising a red flag. From a safety perspective and from a business perspective, one would think it would make more sense just like for us representing downtown retail that we try to extend first floor retail versus other types of uses that don't allow pedestrian access and kind of mitigating factors to keep pedestrians from moving down from a retail perspective. My general concern, although somewhat alleviated by the fact that we had to reschedule the meeting, is that at least there were two mailing sent out. Otherwise I would have requested that we postpone this vote because I officially would want to make proactive phone calls to make sure that the neighbors were aware of what is happening but given that there were two letters. So, bottom line as far as I can tell, you know, this ultimately is a family and a business decision for Villages at Leesburg, so I'll be supporting it. A family decision relative to families choosing to send their kids to this day care.
- Dunn: I think this is a good use here. I think that while there could have been other business uses that may have generated possibly more taxes to the town such as a restaurant going in or if there were a retail establishment that was generating sales tax, I don't want to be in a position of dictating who a landowner can rent to in order to advance their business efforts. So, I think this is a good use and it sounds like a need is going to be served. Happy to support this.

The motion was approved by the following vote:

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

Nay: None.

Vote: 6--0

- b. Loudoun County Courthouse Expansion
 - i. TLZM 2015-0002 Loudoun County Courthouse Expansion
 - ii. Town Plan Amendment Application TLTA 2015-0001 Pennington Lot Land Use
 - iii. TLZM 2015-0003 Pennington Lot Parking Garage

The three public hearings were opened simultaneously at 8:34 p.m.

Irish Grandfield gave a presentation on the three applications.

Key Points:

- All three pieces of legislation are necessary for the courthouse expansion project to move forward.
- Expansion site is 2 North Church Street, which is the former site of the jail.
- Semones lot is on Slack Lane at Cornwall Street and is currently used for parking and will continue to be used for parking.
- Pennington Lot is a 9.9 acre lot located on North Street.
- A 92,000 square foot courts building is proposed at 2 North Church Street (corner of Edwards Ferry and Church Street, N.E.)
- Four-story parking garage is proposed for the Pennington Lot.
- Reconfiguration of the Semones lot for accessible parking causing a decrease in the total number of spaces.
- Improved sidewalk between the Pennington Lot and the Semones Lot.
- Extension of Church Street from North Street to the Pennington Lot.
- TLZM 2015-0002 rezoning amends TLZM 1998-155, which approved a 60,000 square foot courthouse at 2 North Church Street.
- TLTA 2015-0001 amends the Town Plan Policy Map from low density residential to Downtown.
- TLZM 2015-0003 rezones the Pennington Lot from R-6 (existing) to GC (government center) to allow the four story parking garage.
- Pennington Lot rezoning provides the required parking for the 92,000 square foot courts expansion as well as some additional parking – Courthouse expansion rezoning cannot be approved without meeting the parking requirement.
- Pennington Lot rezoning can only be accomplished if it is in concurrence with the policies and objectives of the Town Plan, requiring the town plan amendment.
- Applicant is requesting 10 site specific design criteria:
 - Proximity of required parking more than 500 feet from the building – Pennington Lot is 900 feet from the building.
 - Less than four loading spaces for this office use.
 - Modification of building height from 45 to 55 feet.
 - Modification of the lighting level at property boundary – more than 0.5 foot candles (along Church Street – across from the existing courthouse).

- Lighting fixtures may need to be closer than 10 feet from the property boundary along Church Street for security purposes.
- Elimination of required yards and setbacks to accommodate the facility on a one acre lot.
- Proposing no 20 year tree canopy requirement – typically a 10 percent requirement; however, the ordinance does recognize that law enforcement use is an acceptable reason not to meet the tree canopy requirement.
- Buffer modifications.
- Street trees typically required by the zoning ordinance as one per every 40 feet – proposing street trees on Edwards Ferry at one per 100 feet, and none along Church Street.
- Site specific design criteria are approved by Council as part of the rezoning.
- Required parking is 707 spaces – applicant is proposing 938 spaces – 727 at Pennington Lot garage, 147 Pennington surface lot, 6 spaces currently below the courthouse, 9 additional below grade, 36 accessible spaces in the Semones lot.
- Development will be accomplished in stages to ensure adequate parking during construction.
- Traffic studies meet the town’s requirement for level of service “C” or better, except the east bound approach of North at North King Street, which currently is level of service “D”.
- Offsite transportation contribution proffers include off site improvements and on-site improvements including signals at North and King and Edwards Ferry and Catoctin Circle.
- Pedestrian improvements in response to public comment made at the Planning Commission public hearing including driver feedback signage specifically for North Street and Harrison Street.
- Proffering to provide information to visitors on available parking.
- Utilities will be undergrounded.
- Construction will not begin until 8 a.m. on weekdays in response to Planning Commission request.
- Outstanding issue: North and King Street signal – staff recommends construction rather than an insufficient contribution.
- Outstanding issue: Contribution to Catoctin and Edwards Ferry improvement is insufficient.
- Staff supports approval pending resolution of the two outstanding issues.
- Issues raised by speakers at the Planning Commission public hearing included issues related to the Pennington Lot parking garage.

Council Comments/Questions:

- Burk: So, are you saying if we have an issue with the size of the garage, this is not the time to talk about it?
Staff answer: I am not saying that and I will get into a little more detail on that. I am not saying that because they are proposing well in excess of what is required for parking. So, you could talk about the size of the garage and

reducing parking spaces and they could still meet their zoning ordinance requirement for the number of spaces that is needed for the courthouse.

- Butler: What is the current building height?
Staff answer: 55 feet in height is what they are proposing. The existing courthouse – I don't know the height of the existing courthouse. The limit would be 45 feet, otherwise for the GC zoning district.

Rich Brittingham of Dewberry represented the County's application. He noted that this has been a collaborative effort between staff, stakeholders, judges, the public and the Planning Commission.

Key Points:

- 92,000 square foot proposed.
- Common green will mirror existing green.
- Pedestrian access to the facility is on Church Street.
- Secure tunnel beneath Church Street to move employees and prisoners between the two buildings.
- Requesting a new modification for building height as a result of discussions with the Board of Architectural Review.
- Tree canopy requirements may be able to be met; however, they would like to keep the modification request in the event that security reviews require a slightly lower level of tree canopy.
- Street tree modification request was made because of input received by the Board of Architectural Review. Will add three additional street trees on the west side of Church Street.
- Buffer modification between the project and residential properties meet all tree canopy requirements for canopy and evergreen trees. Reduced width would be supplemented by an 8' wall which would provide screening and additional security.
- Utilities will be undergrounded along property frontages.
- Semones lot currently is 69 spaces and 4 accessible spaces – application reduces the total number of spaces to 36 and provides 16 accessible spaces.
- Four reserved spaces long the west side of the lot are reserved for the residents of the two homes without private driveways.
- Cornwall Street sidewalk will be improved to a 4 foot brick sidewalk that meets ADA requirements.
- Pennington lot egress onto North Street has been eliminated and is only for emergency access and maintenance for the stormwater filter.
- Construction of Church Street extended which includes bringing everything up to town standards and construction of a half cul-de-sac and sidewalk improvements.
- All required buffers around the perimeter of the property will be provided.
- Re-routing of storm sewer down to North Street allowed removal of storm pipe along the interior of the site, which allowed for additional landscaping.
- Will be supplementing the four acre tree save area with additional evergreens.
- Height is comparable to what could be built as a residential structure.

- Light has to meet lighting standards for safety and security.
- Top parking deck will be for county vehicles only – lights will only be on until 7 o'clock in the winter, 5 o'clock in the summer and operated by motion detectors after that point.
- If motion sensor lights are triggered after closing hours, security will be notified.
- Worked closely with the Board of Architectural Review on Certificates of Appropriateness for the courts building and the garage.

Council Comments/Questions:

- Dunn: In looking at the parking needs, was there any review or study of the existing on street parking in Leesburg that might be available for courthouse use?
Staff answer: There is on street parking that is not dedicated to the court use so it could not be counted towards meeting the zoning ordinance requirement.
- Dunn: Okay, but we have done that for other applicants in the past. I guess you are saying that we did not give any consideration for that.
Staff answer: We did not in this situation.
- Dunn: I haven't heard from the public yet, their concerns. It sounds like most of it is around the parking garage. But, I guess looking at the numbers, and I don't know if you have a slide that you can bring up that shows that, but deals with the 938 parking spaces that is being proposed for a need of 717, correct? So, we are over parking by 120 spaces. We have a four level garage with 180 spaces per level. To my math – please be patient, I am from Arkansas, but to my math, there is a different of only 60 spaces, then why could we not consider reducing on of the levels of the parking garage.
Staff answer: I think that is a question for the applicant.
- Dunn: Bring it on.
Applicant answer: My name is Peter [inaudible]. I am a design manager working on this project. Irish did a really good job of going through the parking numbers for the garage. The additional level really is a product – it really is for both the courthouse use as well as a government use. Back in, I think it was late 2014, we lost 43 spots on the property just adjacent to the government center. That parking garage being pretty much at capacity all day long, we were able to find parking for those lost 43 stalls as well as to help relieve the current government parking garage. So, that number is defined as being 100 stalls, plus or minus. The other factor that hasn't been included is the growth factor. There have been a number of studies that have been done from 1997 to 2011 that have gone through and looked at the courthouse in terms of its growth and that growth has moved anywhere from 120,000 square feet to 230,000 square feet. So, that has moved all over the place. That equates to anywhere from 100 additional stalls to in excess of 325 additional stalls. We don't deny that it is going to grow. We are just trying to anticipate to the best of our ability how much it is going to grow so accounts – we have identified that 100 stall need, it was easier to not just build 100 stalls,

but build 180, which is essentially one level. So, that is why we added to the parking count.

- Dunn: I know that the town, over the years has worked with the county as far as parking lots for the county and very often in our discussions about parking in downtown Leesburg, while we feel that we have maxed it out, we have often looked at those county lots and wondered why they are so often empty or very lightly used. My concern here is in our anticipation of future growth, we will have the same results at a great inconvenience to the citizens of the area. Do we have 20 foot light poles on our garage?
Staff answer: Not on our garage, but our garage also doesn't meet the lighting standards that they are trying to meet.
- Dunn: Set by who?
Applicant answer; It is the international engineering society – or illumination engineering society of North America.
- Dunn: Well, we wouldn't want to inconvenience them would we? Okay, so say we inconvenience them? Can we do that?
Applicant answer: it is a liability issue.
- Dunn: Who cares?
Applicant answer: It is a safety situation. It is required by code. It is also required by the security – the officers of the Sheriff's department who are going to be watching this facility. One of their requirements is it needs to be lit. If you have people accessing that deck, first of all they need to see where they are going, but secondly, if they are in trouble, they need to get out and the county needs to be able to see them.
- Dunn: Okay. What's the height of each deck level?
Applicant answer: About 12 foot.
- Dunn: So, if we only went with three levels instead of four, so we've got our 55 foot deck – our garage and 25 foot poles. Is that correct?
Applicant answer: It is 36 feet on the west side of the garage, 24 feet on the east side of the garage because of the slope of the land.
- Dunn: Right, but on the highest level?
Applicant answer: On the highest level is it 36 feet to the [inaudible].
- Dunn: And the poles are 25 foot poles?
Applicant answer: yes.
- Dunn: So, if we took one level off then that would reduce the maximum height of those lights by 15 feet.
Applicant answer: 12 feet.
- Dunn: Was there any discussion or desire by the two property owners and they might be here – I am not sure – who are losing their parking on Church Street. Was there any desire or discussion about them actually giving them access to the back of their property to allow them to park on their property versus having those reserved spaces in the parking lot.
Applicant answer: We have discussed that with them. One of them would not want anything, but they prefer the spot we have given them.
- Dunn: The other one?

Applicant answer: Neutral. Again, we have three information meetings. The most recent being back in July of 2015. They were in attendance. [inaudible].

- Dunn: The only reason I ask is like most parking spaces, even if they say reserved, somebody could decide to park there. They may get ticketed, but that doesn't help the person – it doesn't help you if somebody is in those spots and they can't park at their house. But if they don't want anything more than what is being offered, then I guess it is okay. I am willing to consider other things, or request other things, if they so desire. How many housing units, just out of curiosity, could go here in the R-6 on the total acreage?
Staff answer: Probably 55 – between 50 and 60 housing units could go there. It depends on how you laid out the public road access and those types of things.
- Dunn: Just looking at my notes – during our discussions when we first had the county come to us proposing this, it was brought up that the government center over a period of time would be moving out of Leesburg. When was that date proposed?
Staff answer: For the government center to move out of Leesburg?
- Dunn: That was one of the threats. So, graciously sent to us by the Board of Supervisors. It was actually – the anticipation was that the county would outgrow that building and then have to move elsewhere. When is that date.
Applicant answer: I am unaware of that date. I don't recall hearing that date.
- Dunn: Well, I know that [inaudible] is here. I think you were involved in that discussion. I am sorry. [inaudible] that mistake. Do you know what that date was?
Applicant answer: In 2030, there is going to be expansion of the government center in 2030.
- Dunn: Of this center or expanding elsewhere?
Applicant answer: [inaudible] in that location and then expand elsewhere.
- Dunn: Let's see. I think that's all the questions I have right now. I am very interested in hearing from the public.
- Burk: I am interested in hearing from the public also, but I have a couple of things I want to just clarify. Was there ever an economic development study done on this project?
Applicant answer: We did not do a fiscal impact analysis.
- Burk: The top deck is not part of the courthouse need. The top deck – what you are telling me, what I am hearing you say, is the top deck is going to be county cars that will be parked there – county vehicles, so it not part of the courthouse project. It is a nice little addition for the county to be able to have those spaces up there to store the vehicles.
Applicant answer: For all intents and purposes, correct.
- Burk: But this is in the historic – right border, right on the historic district and so, I think as I spoke to you before, the four levels – the one of which is not part of this whole development. It's not part of this expansion. It's not part of it. It is just a nice addition. That's not the town's responsibility to have that. Our only responsibility is to look at what is going to be impacted – what

the courthouse needs are. So, that fourth floor, to me, is an addition that you would like, but I don't see as being part of the whole courthouse expansion process. Then, you had a number of pictures like the one you had up there that have lovely trees on them, but I don't think those trees are there now. Am I incorrect about that? Are they there now?

Applicant answer: A lot of those trees are there now. I can pull up a plan view that does show the existing trees. There is a significant tree stand just to the north of sort of the eastern three homes. The renderings that are shown also incorporate our proposed buffer plantings and...

- Burk: You are going to plant trees that size?
Applicant answer: This simulation shows a ten year growth and the existing trees, there are some images I think I do have in there. They are significant. They are 40 feet tall.
- Burk: So, these are illustrative for 10 years from now?
Applicant answer: They accurately represent a ten year growth for our proposed plantings. Yes.
- Burk: Okay. Thank you. I will have more comments and questions after the public speakers.
- Hammler: A couple – two things that I was going to ask – was that was the first thing that popped in my head as I saw the picture is how long will it take until we see that growth. So, thank you for asking that and both Council Member Dunn and Burk have raised the same issue that I was going to ask relative to the top level of the garage. Certainly the suggestion would be because we have so often actively tried to partner with the county on creative ways we could park things together – there is so much surface parking that could be within an easy shuttle ride and you have done such a creative job when you have needed parking and I work with Telos – full disclosure – but you have an agreement with Telos to borrow parking and pay and lease parking in other places even from private sector entities, so I would certainly encourage that could be an option for your government vehicles that you are currently planning for that level of the garage. I do know that there was certain discussions that happened early on relative to how could we take literally two levels of that garage and actually negotiate a win/win with the county and locate it in the part of the town where we desperately need the parking based on our parking study which was around Market Station, or in that general area. I don't know if tonight someone could very briefly or at an appropriate time give us an update on that, but that is what I would be seeking, how can we get creative to create a win/win. Certainly what I am anticipating – you know, neighbors relative to that fourth floor. I will say that as much as, in a related note, you know we have struggled with the fact that Kristen left as our mayor. We have had a really hard time dealing with that transition, but from your perspective, when I think of that height, you are probably pretty happy she is not on the dais because she would probably go apoplectic talking about building heights because she typically has always done that, but we will do our best to work through that. I appreciated the fact that you mentioned how the sloping and grading changes – a couple of just basic questions. I will try to be relatively quick because I definitely want to

hear from our citizens. What has happened with relocating the historic houses?

Applicant answer: Right now, it is pretty much on hold. We haven't done anything with it at this point.

- Hammler: So, it is still open for relocating them –

Applicant answer: It is still open. If someone would want to come and take any one of those houses, they are able to do that.

- Hammler: Excellent. So, just glad to get that update. In terms of facts, what is the anticipated number of daily visitors that are projected to the courthouse complex. We didn't get the economic impact but just any sort of reference metrics.

Applicant answer: I can pull up from the traffic study. I am not sure if that is the same number.

- Hammler: We can come back to that just so that we keep things moving along.

Applicant answer: Yeah, I'm not sure that we have that. We might have to get that to you – I don't want to give you a false number.

- Hammler: In terms of the trees – the 40 foot versus the spacing of 100 feet. Certainly respect possibly where the BAR is coming – my common sense is telling me that it would not be preferable to reduce the number of street trees, so I don't know if we'd want to get a second opinion or at least take a harder look at that, but I raised that as a red flag. You have addressed the construction hours. I appreciate that you increased the blasting notification, but what is the anticipated start like date and end date because being able to hopefully proffer trying to, you know, consolidate the time versus I know we are saving – I appreciate the fact that during weekends and daily hours, we don't want to start too early, but are you going to be sensitive to ultimately trying to be on time – what is that duration?

Applicant answer: Well, we would like to start construction of the parking structure sometime in the mid-summer. We will allow anywhere from 12 -15 months for the construction of the parking structure. When that is complete, we would like to begin the construction on the courthouse.

- Hammler: Which will take about how long?

Applicant answer: Probably three years and then after that, we would then get into the renovation of the existing courthouse.

- Hammler: Got it. Just so you know, I do have some questions on – you mentioned your analysis about specifically not agreeing with the design/build and it sort of seemed ironic that it is such a massive project – getting down to \$10,000-20,000 here or there, but when you mentioned that it seemed too high to you, did it not take into account that it is in an H-1 district, that estimate may have required that – I'm just curious. Because, at some point I certainly would support staff on a design build and just basically given to the extra \$70k on the Edwards Ferry/Catoctin and I just had some basic questions while we are sort of nit picking on those issues at the end of this kind of massive project. So, I'll stop there and give Suzanne a chance. I'll look forward to hearing from the public.

- Fox: I echo Katie's sentiment about the design/build proffer there - \$400 versus the \$470k. I wondered that as well and I would support staff's recommendation as well. It is actually the Planning Commission's recommendation and staff's recommendation; however, most questions have been asked and answered. That's the beauty of going last. But, I wanted to ask real quick. You mentioned you did a traffic analysis and the need for a signal at King and North is there. I was wondering if you did any kind of traffic study for the impact – an impact study – because it seems to me if we put a signal there, it would really impact traffic on North King Street. Has anything been done about that?

Applicant answer: Our traffic consultant isn't here today, but when they studied those intersections, it really just talked about that level of service being used at that intersection – the back up north, I am assuming you are talking about north up King Street.

- Fox: Yes, coming up toward Ida Lee.
Applicant answer: Sure, the impacts of a signal there do not seem to – in my understanding, do not seem to impact anything further north – from Ida Lee and further north. I don't believe that there would be a back up. Again, I am not the traffic consultant, but I believe that all levels of service there are still maintained with the addition of a signal.

- Fox: And has your traffic consultant said anything to you as the impact. I mean, I know what you believe. I want to know what he believes.

Applicant answer: We'd have to get back to you on what his thoughts are in more detail about impacts further north.

- Fox: Okay and the other question I had was about the buffering. Everybody has had comments about buffering. But I noticed you put the bulk of the coniferous trees to the north side and to the west – I'm sorry, the east side of the building where the majority of houses are not. The more deciduous trees where we would need more evergreens. So, I was just wondering why you made that decision.

Applicant answer: wondering why we put more evergreens here?

- Fox: Yeah, you have a tree area save and then you have a line of evergreens kind of where the tree area save is. But up in this other buffering you had three evergreens right by the garage, but everything else from what your renderings look like was deciduous.

Applicant answer: This graph doesn't get into detail, but we did the required buffer along the entire perimeter, specifically along the southern property line. There is evergreens within that buffer. There is a requirement for [inaudible] into the mix of the trees. So, there are evergreens within that required buffer along the south. The evergreens that I highlighted specifically are supplemental plantings – they are not required by the zoning ordinance. So, they are above and beyond. We have strategically located them along the perimeter of the tree save area to sort of firm up that edge with any resident concern that they are just a hardwood tree stand so in the winter time without leaves – now we are able to show that on top of that width of dense, mature trees, we now have an evergreen line at the edge. The same thing along the east side. Then we additionally added those evergreen trees along the

west/south side of the garage façade up close to supplement the perimeter landscaping so now we have a depth of field of landscaping trying to create that whole comprehensive buffer. So, if you are asking me why aren't there any evergreen trees along the south – there actually are. There are per the ordinance within that buffer.

- Fox: Okay and when you presented to the Planning Commission and you had public comment with the planning commission, what were the concerns of the citizens at that point?

Applicant answer: Their concerns, and Irish can chime in with anything I miss. Most of their concerns really at the first public hearing were about the access that was provided on North Street. We had an exit only out of the garage on North Street. They expressed a lot of concern about safety for their children and you know, their neighborhood of cars pulling out and going down Harrison and that volume of traffic coming out of that exit. It wasn't necessarily the site distance reasons. The location – the design of that entrance would have to be to VDOT and county standards – precluded a lot of the landscaping that we needed. We weren't able to provide required landscaping to the west on the Moxie property. We weren't able to save many trees to the east of that entrance. Their concerns all really centered around that. There was also some discussion about garage architecture and we have now made [inaudible] to that. We worked through at work session and you have seen the latest iteration today. During public speech, they can address anything I have forgotten, but that was the prime comments that we [inaudible].

- Fox: Not so much height of the garage and lighting?
Staff applicant: Those were issues identified by the public during the planning commission public hearing.

- Butler: I'd like to clarify what I heard about the lights. The infamous 25 foot light poles. At what point are those lights on?

Applicant answer: They are on at – well, they can go on at 5 in the morning, but I think that would be predicated at least on time of day. But they would be on at 5 in the morning and then go off at 7 o'clock in the winter and 9 o'clock in the summer. They would go off and switch to operational controls where they would be motion activated.

- Butler: Why are the lights needed to be on during the day?

Applicant answer: I believe they wouldn't be on during the day light. I am not exactly sure of the...

- Butler: Well, you said they came on at 5 o'clock and they went off at 7 – that's during the day.

Applicant answer: They can be on during those hours. 5 in the morning may be needed for, you know, people that are accessing the garage early in the morning – whether those county government vehicles or what not. Sometimes in the winter time it is dark at 5 in the morning. But during the day, I believe they would go off.

Other speaker: They would have lights sensors to them, much like you have in street lights when the ambient light from the sun is sufficient, then they cut off. Then they would come on again as the sun starts to go down, much like

a street light works, but then at 7 o'clock at night in the winter time, they would cut off completely. 9 o'clock in the summer time they cut off completely.

- Butler: So, they would be off from 7 p.m. until 5 a.m. regardless of whether there was traffic or not up there?
Applicant answer: Right – if something is moving on the deck, they would come on.
- Butler: Okay, so in general, let's say it is a cloudy day. Then the lights would be on during the day and then they would be off at night unless there is motion?
Applicant answer: It would have to be a very cloudy day for it to be dark enough for those lights to turn on.
- Butler: Okay, so then in general the lights are off during the day.
Applicant answer: Correct.
- Butler: Okay, so from 5 a.m. to 7 p.m., generally the lights are off. From 7 p.m. to 5 a.m., I'm talking winter hours here, from 7 p.m. to 5 a.m., the lights only come on when there is motion.
Applicant answer: Correct.
- Butler: Okay, the time is 9 p.m. during the summer. During the summer from 5 a.m. to 9 p.m., the lights are off – and from 9 p.m. to 5 a.m., the lights are off unless there is motion.
Applicant answer: Correct.
- Butler: Okay, what vehicles are being parked – would be parked on the top level?
Applicant answer: There could be county vehicles parked on the top level.
- Butler: County vehicles?
Charles Yudd: I just want to clarify, the parking on the top deck would be for the employees. That message may be getting confused by our proffered accommodation. We have control over the employee access. That is why there would be a key card and security access. But the bottom line is we need that parking because we are short. Not only do we have to provide the judicial needs for the community, but we have to provide the parking that comes with it. Our existing garage right by our government center, we have a deficit right now. If you go back over time, there was to be a possible utilization of the parking lot down on Harrison Street. That property has been developed, so there are times when our employees arrive in the morning and there are no parking spaces in the government center garage. So, we have an existing deficit right now and we are trying to accommodate that in the Pennington lot. The accommodation that we have made allows for employee parking on that top level.
- Butler: Okay, at what times during the day do you generally have a deficit where people would be parking in the Pennington Lot?
Yudd: We have situations where any time after 9 o'clock – 9:30 in the morning we have employees coming in looking for spaces in our garage. It is – when court is in session, a lot of folks that use our garage for court purposes

currently and our employees, including me, might come a little bit late, have to drive over to the Pennington Lot and park there.

- Butler: Okay and this deficit would go from about 9 a.m. to approximately when?

Yudd: Later on in the day. I would say until [inaudible].

- Butler: Okay, so what I am hearing – between 7 pm in the winter and 9 pm in the summer to 5 in the morning. How often would there be a deficit in this current county parking garage?

Yudd: If you are talking 7 a.m.?

- Butler: PM to 5 a.m.

Yudd: 7 p.m. The overflow is a sheer number of parking spaces that we need. If we don't allow it on the top deck, which we have offered as an accommodation, then it has to be parked somewhere else in that Pennington Garage. If you look at that graph right there, we are providing a number of spaces – maybe the overage is about 140. If you take that away, that garage – that top level away, that garage would have to get bigger.

- Butler: Understand. I think maybe I misstated my question. Here is the bottom line. How many county cars are going to be parking there generally or county vehicles are going to be parking there?

Yudd: They would be county employees. It would be employee parking.

- Butler: How many vehicles will be parked on that deck of that garage between 7 or 9 p.m. and 5 a.m., generally?

Yudd: Well, I don't think we have the exact number of it. The deck accommodates 590 spaces and if you look at the Pennington Lot now off hours, in that particular time frame, you see a small number of fleet and then you'd see small number of employee vehicles, employee's own vehicles that would be parked there should they have need to park there because they needed the overflow or they needed to pick up one of those fleet vehicles and travel off site for county business, so I don't think we have an exact number.

- Butler: Okay, but that's talking 7 p.m. to 5 a.m. Okay. What I am trying to get at is how often... these lights are going to be off during the day and they are going to be on at night only when there is activity. How often is going to be activity between 7 or 9 p.m. and 5 a.m.? What I am trying to get at is how often are the lights on?

Yudd: If you are saying how many vehicles will go there to trigger the lights coming on, not very many.

- Butler: Because if the lights are off, except hardly ever at night, then the question becomes why do we care? That's where I am trying to get to because if the parking garage itself, assume if there were no lights on the top deck. And I know that you can't do that for safety reasons. But let's assume that there was no lights, for instance, then the entire parking garage, you said is about as tall as a house.

Yudd: Right.

- Butler: So, it is the light poles that create the 25 foot extra height, but these light poles, it sounds to me that those lights are not going to be on very often, ever.

Yudd: If you isolated the issue between the lights coming on and that being a concern or an issue, they wouldn't come on that often. If you isolated the issue of the total amount of parking and the need for the upper level, then we know that you need that total number and I think we have made an accommodation to say when used in the evening, the lights won't come on that often.

- Butler: So, during the day, you need those spots and if you don't have those spots, then they are currently parking in the Pennington Lot now or distributed somewhere else.

Yudd: Plus the need that we are going to experience for the 92,000 square feet courthouse.

- Butler: Right. Okay. Let's see what else I had. The parking for the government center people that are going to be parking in the Pennington Lot – it's the Pennington garage would be 900 feet away from the Courthouse, so it is going to be farther than that to the Government center. How many of those people are actually going to be parking in the Pennington Lot and are they going to you know, a quarter of a mile to the Government center?

Applicant answer: Actually this was brought up at Planning Commission, so I have those distances. The Pennington Lot to the government center is 1500 linear feet. As has been said, people are already making that lot when they get to work at the government center, you know, can't find a place to park. So, that's already something that is working for them. If I can expand on that, the question was brought up about the other alternative lots in the town and you know, can those be utilized. Specifically was the Liberty Lot. The distance from that lot to the government center is 1800 feet, further away. Then the Harrison lot is just a little bit closer, but that's no longer available. It's 1300 linear feet. So, some of those alternative surface lots that we had explored are a similar distance away.

- Butler: And the Liberty Lot – just not that many spaces that it will hold now. Okay, and so in this particular rezoning, the planning commission was 5-1-1 on this?

Staff answer: On the Pennington lot rezoning, that's correct.

- Butler: So, once we got done and went through all these facts and figures, planning commission was fine with the four stories, 5-1-1?

Staff answer: Conditionally. They had conditions. The storm water being rerouted, and that, you, town council, found the screening and the architecture acceptable. Those were the conditions supporting approval.

JD Norman, 207 North Street, NE. Good evening. I appreciate you all's time. I live directly across North Street from the proposed parking garage. I wanted to first thank you guys for making the accommodation and the change on the egress on to North Street. That was one of the requests that we had at the last meeting and making that an emergency exit is very much appreciated. I do have here a petition that I did circulate with many of our neighbors who unfortunately can't be here and my grandmother and my son petitioned as well. But I do want to, if you don't mind, take a moment and brief the petition. Some of this is no longer relevant saying that the change in the egress, but I'll read it anyway. Dear Leesburg Town

Council, while I will agree that the Courts expansion project will be a good thing for downtown Leesburg, I have major concerns over the development of the Pennington Lot garage. Development of the Pennington Lot garage will greatly increase the amount of traffic on North Street and Harrison potentially causing serious back ups at King and Edwards Ferry Road with North Street and Harrison Street already suffer from excessive “cut through” traffic, especially during rush hour when drivers tend to ignore the posted speed limit signs. There are numerous families with small children. Three in one and one in route, who live on North Street and Harrison Street and the development of the Pennington Lot garage will significantly worsen the traffic situation. [inaudible] a four story garage including the top deck lighting is inappropriate for a historic neighborhood. This structure will dwarf the surrounding neighborhood. I am concerned that the construction of this garage will negatively impact housing values, be an eyesore for the historic neighborhood and be a safety hazard for our children. The [inaudible] egress from the garage onto North Street near the intersection – I’ll skip that section since [inaudible] now. Leesburg Town Council, I urge you that you take the following actions – seriously consider any and all other options to either eliminate or supplement the Pennington lot garage, at a very minimum exploiting the 900 plus referenced spots between two or more parking locations in downtown Leesburg will greatly reduce the negative impact the garage will have on our neighborhood, as well as relocate more potential passersby to restaurants and shops in downtown Leesburg. If, after thorough examination of the options, it is decided that the Pennington lot garage must be built, [inaudible] consider alternative plans to lower the height of the project. This could be accomplished by either building parking underground or limiting the parking garage to two or three levels and retaining the foot print of the garage to keep the same number of spaces. Additionally, I urge the Council to consider eliminating the lighting on the top level of the garage. We thank you for the consideration of this petition and urge you to seriously consider these requests. In the petition, some of our neighbors were able to make a comment and I will read a handful of comments to you now. The first comment is from Ed on Woodberry Road: The location is too far from the courthouse. The current parking lot doesn’t even get used. Why build another one that will sit empty. Location should be closer to the courthouse. Rebecca on Cornwall Street: I would like to add that if this project moves forward, the town needs to consider being proactive enforcing traffic laws in the area to keep its residents safe. I would also like to request permit parking 24/7 on Cornwall Street from Slack to King Street. [inaudible] on Harrison Street: I [inaudible] the garage because the roads surrounding the garage are essentially residential. I don’t see how they can accommodate an increased volume of traffic from this commercial parking garage. And this is my personal favorite, Tristan who lives on Harrison Street says please don’t build a parking garage here. I play outside here and cars go too fast already. Also, Pennington is where I go sledding when it snows. I do appreciate Mr. Dunn and Mrs. Burk – some of your concerns with the overall size of the garage and you have the local resident’s support there. I believe Mrs. Hammler, you mentioned getting creative and finding other alternatives to supplement the parking garage. We also would very much support that. There are open lots – there are large lots behind the Loudoun Times Mirror Building near the Cajun Experience. I don’t

know what is going on with the development project there, but it seems like it would be a prime opportunity to work with those folks to try to at least supplement, if not replace the Pennington garage. So, Mayor, if you don't mind, I'd like to give you these petitions.

Damon Schaeffer, 104 Harrison Street, NE. Right downtown, within view of the Pennington garage. Quick shout out to Leesburg. I just retired 24 years in the Army – [inaudible] special operations and have lived in just horrible places around the world but also some very beautiful places too, so it took about four years for us to decide to retire here in Leesburg and [inaudible] my wife is literally about to pop. I've got a phone right here just in case she calls, I am ready to go. I just want to say for those of you who grew up here, have lived in this town your whole life, you may not – I hope you understand the rarity and beauty of this town that's historic. Not just the historic segment that you have here, but essentially the people here are excellent and I commend the town design team. You guys, this is phenomenal itself. Especially the courthouse and the way it just kind of rounds down the street from the original courthouse. That design is just phenomenal and flawless with the attention to detail is excellent. It is really going to look good and make our town so much better. I have some serious issues about Pennington garage. Especially, the location of that emergency lane. I hope it stays an emergency lane. It would be just so easy just make that an extra lane a few years from now. I hope it just kind of stays an emergency lane. I wanted to say thank you, gentlemen, for including those design changes – [inaudible] what the town was asking for and you made those changes almost exactly how we wanted. I do appreciate that, being here last time. That really did save us 37 to 59 homes that we pointed out that it was going to affect negatively. I think I can make a recommendation – an operable recommendation for the pennington garage would be to possibly drop the upper deck, if we possibly could, but if we can't do that, I would like to recommend pushing the lighting out a little bit so we can drop it down a little more. I know it's not that considerate, but if you are going to redesign the whole thing to drop one deck off of it, I guess you could push the lighting to the exterior ring more and use directional lighting on the interior of the deck instead of omni directional lighting that would just kind of shine up on the rest of the residents. If that is within the code. I'm just asking if you could possibly consider that. If you could do any design changes. Then, comment was made last time we had this discussion about these three inter-related projects and one project can't be changed without cancelling or significantly making changes to the other projects and I have seen where officials were unable to budge on [inaudible] especially the Pennington garage and it seems like tonight that there is a possibility – there is hope for us for some budging will happen. So, it is a fact that Harrison Street and North Street have already become saturated with traffic and just like race tracks and I am so concerned for my toddlers running out in the street in front of traffic. It is so difficult to control [inaudible] there are other alternatives for parking. We pass a lot of them every day. The Northwest corner of Church and Loudoun, there is a lot that we pass all the time. It seems to kind of go back and forth between different projects what it might be. I thought that would be a great opportunity to snatch that up somehow and you know, it is not looking very good right now. It really needs some beautification, but it would be great if we could turn

that into some type of overflow parking or maybe a secondary two level garage. 180 parking spaces there, 360 if it is a two story. I think that would make a phenomenal addition to the downtown, plus we could get all the shops – anybody parking there could certainly hit all the restaurants and shops that are downtown. That is all I am going to say. Thank you very much. I appreciate it.

Chris Mallin, 206 Andover Court, NE. I appreciate the time to speak to you all tonight. So, I wanted to pass along some concerns that I had – was the mass and the size of the garage is still a concern and we have certainly talked about that at length. I would hope that some additional considerations for some vegetative wall systems or something else would be considered other than planting some evergreens that will take about 10 years to come in. Doing a quick check on Google Earth, I did look at the trees that are existing and some of the renderings there – they are not all there, at least in that regard. Also, keep in mind that whatever vegetative system that could be added, most trees around there are not going to have leaves for five or six months, so you will see that garage for a substantial period of the year. So, please do consider another system that will hang down in the garage, still maintain safety standards, etc. I have seen other examples of that – in fact Dewberry has done some of those garages. I have seen them in their portfolios. So, perhaps you want to go back and look at those options. Secondly, related to height considerations, although there is cost impact, the first level of the garage could be located below grade, something that should certainly be considered as a means to address the concerns that have been brought up. Finally, a [inaudible] that came up tonight related to the construction – that being the construction hours. It was sort of flashed up there very quickly, but I saw 7 a.m. to 10 p.m. on weekdays. In a residential area, that's not acceptable. I don't know what the town allows for, but I can tell you that many localities and I certainly don't want to compare ourselves to the district of Columbia, but if you are in any residential area there in town, you are not working past 7 o'clock. Sundays are included. I think it allowed for Sunday work. That can be very disruptive, not just the construction work, but keep in mind you are going to have deliveries – forklifts, trucks and traffic happening throughout the town going to that construction site, so please do consider that when you are looking at all the options here. Those are all the comments I have. I appreciate the comments on the trees – the additional trees and 40 foot versus 100 feet. I would like to hear why the architecture review committee actually encouraged less trees. That seems a bit odd, so I would like to understand that a bit further. But we do need more trees in town. Thank you for your time.

Larr Kelly, 404 Edwards Ferry Road, NE. My concern is the traffic signal, once again, coming into Edwards Ferry Road and Catoctin Circle. We have been dealing with this since probably before 1998, but I know that in 1998 the town got the county to proffer to put a signal in there that is not needed and it hasn't been there and the four way stop sign has continued to work. Then we were told we were going need a signal when we open up Catoctin Circle to the north. And we didn't need it and we don't have it and the four way stop sign continues to work. It is a fabulous, fabulous traffic calming device. Something that a signal can never be. Because when you've got a signal, you got people coming down. Green light, I'm

going to go. Yellow light, I've got to beat it. Speed limits on Edwards Ferry Road are not respected in that situation. We had that problem before the four way stop and then the four way stop has done a tremendous job of calming the traffic on Edwards Ferry Road. That said, I don't know what is going to be needed in the year 2040. Neither do you, really. What I am suggesting tonight and giving you for consideration is that you take that proffer, or you ask the county to take that proffer that says it will give you cash for intersection improvements at Edwards Ferry Road and Catoctin Circle and make it a little more flexible so that the town could possibly use that money in some other location, which may present itself as more urgent and I pointed out Harrison Street really should go through the funeral parlor and the Marshall Foundation property. That would solve a lot of transportation problems downtown. [inaudible] where Edwards Ferry, Market and Church Street come together, which at times is a failing intersection. I can't believe that passes anybody's traffic study unless they are not looking at it at the right times. It gets an "F". So, anyway, that's my suggestion. I would urge you to make that proffer more flexible so that the town can use that money somewhere else, because I don't think you are going to need it at Edwards Ferry Road and Catoctin Circle.

Rebecca Fleck, 14 Cornwall Street, N.E. I'm the driveway across from the renovation – the first renovation of the Courthouse. First of all, I want to apologize for my appearance. I balance a full time job, two kids, a snow day. I am [inaudible] this meeting and I wanted to be here regardless. I want to tell you that I moved here four years ago from Reston because Reston was being overbuilt and I moved to a quiet street in a lovely downtown, bought a 125 year old home. Not a mansion. Not [inaudible]. These were all very precise decisions made by my husband and I. And we love living downtown. We love walking to the parades, love going to China King and knowing that they know that Robert is order dumplings and Lisa is going to order Chicken and Broccoli and that's why we love living here, but the reality here is it is incredibly hard to live by the courthouse in its current state let alone a 92,000 square foot addition. The thing about a 92,000 square foot addition looking over my 2400 square foot home is overwhelming as a parent and I feel my neighbor's safety concern. Despite the town's giving us 9-5 permit parking only, I battle with parking on my street. I know that the Pennington Lot is empty because I park there with two kids and a car full of groceries once a week. It is empty, no one is using it. To think about that too, the town is going to compromise residents who pay taxes, who [inaudible] property values, who are building a future here, we are the youngest people on my part of Cornwall. That means everyone around us is in their second phase of life – retiring, moving. I want downtown Leesburg to be a place where young families want to come and move. When I look at this parking garage and the way traffic is going to flow, I wish there were more business owners here saying where is the traffic coming in front of my store front. We just talked about that with the Village at Leesburg, not putting a retail on a first level opportunity in the Village at Leesburg. Where is the traffic consideration for foot traffic for our downtown businesses that are sitting empty and struggling every single day. We are becoming a 9-5 banker hour town and now we are going to build a huge parking structure that is going to sit empty on the weekends. It is going to be empty. My parents will have a place to park when they come to visit from

New Jersey. It is going to be empty and it is going to attract crime when it sits empty on the weekend. It is going to attract unnecessary crime or activity that historic downtown Leesburg doesn't need. I also want to give you a little bit – when I look at the renderings and I look at the people walking. They are not showing Jessie with her three kids or [inaudible] with her three kids or me with my two kids trying to navigate the very busy intersection of people who are going to be rushed to get to work and to get to court. People who are going to work are not in a good mood. People who are going to court are not in a good mood. It is becoming stressful to live downtown. As much as we all cherish the businesses that are downtown, we should cherish our residents.

Jay Gillman, 124 Harrison Street, N.E. I am actually the house that is directly across from the now – emergency exit for the parking garage. While I support my fellow neighbors and don't want to waste too much time sort of echoing their same sentiments, I think that the three things I really want to call out were the criticality around the change of that new sort of emergency exit. I think it is very easy to say this is now an emergency exit. It is potentially an emergency ingress, I believe I heard as well in sort of a circumstance where somebody would need access to that parking garage. I would worry that would [inaudible] or even in a short period of time, it suddenly becomes a sort of convenience to have sort of an allowance of second floor, I believe it was, exiting from that parking garage out into a very busy blind hill street that already has a lot of speed going that area of North Street. The second thing was a great call by one of the other neighbors, was the 7 to 10 work in terms of the hours that are going to be processed for the actual build. I think 10 o'clock is absolutely absurd. That is probably an hour after we are already in bed and I am literally right across the street from it. I know that it is not just my [inaudible] but I can imagine if you were in your neighborhood and see large trucks, large deliveries, potential for blasting, although it might not be that late, but just general loud noise with pouring concrete etc., it would be a very big concern. Then the last thing. I believe it was Council member Dunn actually brought up was the exceptional math that is actually being looked at. So, there is a mandate for 717 parking spaces. That garage I believe was at 727. There is also 138, I believe, it is now parking spaces that is in the Pennington surface lot and there is an additional 36 spaces that are going to be reconfigured in the lot that is sort of currently right there. That math to me is about 720, which means if you sort of shave that top deck, I don't think there is any need whatsoever for a fourth level. I think you could easily have three levels. You drop that structure from 37 feet on the west end and 24 on the east end to all of a sudden 25 and 12. I think the neighbors start to feel a little bit better about a huge monstrosity overwhelming their houses nearby. [inaudible]. Thank you very much.

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

Council Comments/Questions:

- Hammler: I would suggest that we move this to a work session. There are clearly a lot of issues. That is the first time that Town Council has had a

chance to hear in a public session format and hear from the public some extremely important issues that we have to resolve.

Council Member Hammler made a motion to move this item to a work session for further discussion. The motion was seconded by Vice Mayor Burk.

Council Comments/Questions:

- Hammler: Some of the things that I do think we clearly need to address are working very closely and creatively with the county on the parking garage, specifically. A lot of the gray areas have come up tonight, so I certainly won't reiterate them all. I also appreciated Lars bringing up the issue of traffic calming and being creative with that proffer and how that could be worded. I thought that was an exceptional idea. In terms of the landscaping, just realizing that waiting 10 years for the ultimate screen, we should be looking again how we could use vegetative walls. The construction hours, asking BAR why and getting a second opinion on the street trees. The issue of quite frankly even getting additional sheriff's support for some of the traffic calming. Those are just a few of the kind of notes that I took. I will leave it at that until closing comments. There is obviously a lot of things to thank you for and complement the project about, but that would be the purpose of the work session.
- Burk: I would also like to see wording there about the emergency lane, definitely. But I think we have some issues here. I do appreciate the fact that you guys have worked really hard on this. The Planning Commission and the BAR all of you working together have made the courthouse, at least, I mean it is much, much better than when it first came in. I really appreciate that. But, I think we still have issues here.
- Fox: I think there is some decent planning going on here considering the scope of this project. I have been working with the BAR. I think the architecture is beautiful. I think it is a beautiful project. The opportunities – there are opportunities with the garage. I take very seriously some public input and some of the ideas that came out of that and I want to see – I would support a work session too just to see if we can trouble shoot some of these problems and maybe implement some of the suggestions.
- Martinez: I have to tell the residents, that I really feel for you. I think it is a crime that you guys are getting built around. There is certainly not a lot of consideration for what you want and what you need to have. We have had these kind of situations throughout the town on different projects, but overall the developer has done a lot in improving what the application is. I kind of have to go, but I still think the scope of the project is a little too much for the property it is on. I agree with Kelly and others on the parking level. I think we could work with that a little bit. But, [inaudible] it looks like I don't have a lot of questions. That's because a lot of times I have them already answered. I am just glad to see that you came out and voiced your concerns. I really appreciate that. I think the odds of this project going forward are probably pretty good. I just wish there was some way we could get you more consideration on the loss of the neighborhood that you are going to lose.

- Dunn: Couple of issues for the work session. I would like to hear more about lighting options. I would like to also see what other similar government security needs there are that we currently have and what lighting options are being used there. I would also like to really explore the possibility of reducing the height one level. I do think that we are projecting more spaces than needed, especially since the courthouse while being fully built today, the expectation is that the courtrooms are not going to even be needed...I forget what the date was – it is like eight years out from now or 15 years out from now. In addition to the biggest concern for all of this was the fact that the impact from losing, potentially losing the courthouse and or the government center from downtown Leesburg – what would that be and yet we are finding that the intention is from the county to be moving part of the government center out anyway. I want to make sure that while this train is full speed moving ahead, it wasn't too long ago that we created that a few years ago and it is not meeting the needs. Now we are ready to go forward – this is it. We got it this time. I want to make sure that is the case. I'd like to know about the lighting. I'd like to know about the height. I also want to find out more about, especially with the lighting, today's plan about addressing the security and how often the lights will be coming off and on. I would like to know what the intention is for these government vehicles to be up there and do we have to put government levels on the top level or can government vehicles be put into a ground level that doesn't have lights coming off and on throughout the night or as some citizens have suggested, what is the cost of going underground and putting the government vehicles down there and then the top deck can be just roofed and there is no need for any lights. And also dealing with that, going back to the security issue of we have a number of government facilities all over the town, never mind the county, are they being lit at the same level. So, I'd really like to hear more about the desperate need that we have for this amount of security and I don't want to say this wrong, so I'll just say it the best way that I can – what is the minimum level of good security that we can have. There were some suggestions made about different types of lighting. Again, I'd like to hear that. I'd also like to know and again to expand on it a little bit clearer, is I'd like to know what in 15 years...it sounds like 2030 seems like a long way away, doesn't it, but 2000 doesn't seem that far back. So, we are only 15 years. I'd like to know what the plan is for what departments, what numbers of county personnel are going to be leaving the government center. Because the big concern initially when you came in, the big furor was we are going to lose the courts. We are going to lose the courts. No. No. If we don't go forward with this, the courts move down to the government center and the government center moves somewhere else, and yet they are already going to be doing that in 15 years. So, why? Why all this? Are there alternatives? I know that the train has left the station and we are going down that path. But as you said, Irish. This is an all or nothing deal. We approve this, one or approve all. Or if you deny one, you lose all. I want to make sure we are making the right decision today and not just doing it because we feel we need to be doing it. Do, we have a work

session – we have decided already what this is going to be or are we going to hear from the staffs as to how long it will take them to get this information?

- Butler: My understanding is the next work session is available for this.
- Dunn: Is it? And you all feel you can come forward with this?
- Butler: Just one clarification – county you can correct me if I am wrong. My understanding is that there is no intent to move out of the government center. It is just that the expansion of the government center will take place somewhere else.
Applicant answer: Correct.
- Hammler: [inaudible] that the one proffer that I was going to bring up, which was the proffer that you will be doing snow removal on Church street, I was going to request that the County Administrator provide snow removal on every sidewalk and every street in Leesburg given what we have dealt with in the recent blizzard, but we won't tackle that one. Just in closing, just again want to thank all of you for coming out this evening. Mrs. Flick, for example, I thought you just so eloquently brought up just really important things that we have to think about. You know, we will talk about the fourth floor of the garage, but quite frankly the point that you made about ensuring that we are bringing the foot traffic to really leverage what the ultimate goal is, which is the vitality of downtown and making sure that we are maximizing that has got to be part of what we are accomplishing. Again, Larr, bringing up the proffer and giving us the idea that hey, maybe we should be looking at how we can work creatively with the county on that, if we save \$470,000 maybe there is some leeway on how we can save those historic houses and relocate them and put that money towards something like that. So, appreciate how you are under grounding utilities, for the tree save, so many great things. I know we will have so many opportunities to say thank you, not the least of which I know our staff has kept us on track since Council has asked to greenlight this given how important it is. It is one of the most important decisions we as a council will make for future generations as well as you know, as short and mid-term economic vitality. But, I try not to be long winded, but in particular tonight I want to make sure Mr. Schaeffer gets home, very quickly and best of luck. We will look forward to good news.

The motion to move these applications to a work session passed by the following vote:

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

Nay: None.

Vote: 6-0

c. Tunnel Lease for Courthouse Expansion Project

The public hearing was opened at 10:54 p.m.

Barbara Notar gave a short explanation of the tunnel lease request.

Key Points:

- 40 year lease for a tunnel underneath Church Street.

- Tunnel will be for prisoners, security staff and the judges.
- Permit will need to be obtained by the town from the town for the street closure during construction.
- Church Street will be closed 4-6 weeks for construction of the tunnel.
- Insurance provisions are within the lease agreement.

Council Comments/Questions:

- Fox: Just one question – I am seeing here that the lease amount is \$1 annually. Is that correct?
Staff answer: Yes.
- Fox: How much is it going to cost the town for a permit to close the street?
Staff answer: I think it is \$100. There is no cost to this lease, in other words. There is minimal cost to this lease.
- Hammler: No questions. I know that this was a very big issue relative to the county's willingness from a safety perspective to locate here. So, whatever we can do to support it.
- Dunn: Just real quick, what was the amount of time to construct. I was trying to find that in here.
Staff answer: 4-6 weeks.
- Dunn: And that is going to be going on simultaneous with the courthouse construction?
Staff answer: Yes.
- Dunn: So, any road closures that could result are going to be the result of the courthouse anyway?
Staff answer: That is correct.

Rebecca Flick, 14 Cornwall Street, N.E. What is the plan for accessing – emergency vehicles access my section of Cornwall Street at this time because Cornwall Street is one way. I don't see how emergency vehicles like an ambulance or a fire truck can navigate Slack Lane in order to get to me on a one way street. I ask the council to please look into this.

Kaj Dentler: The quick answer I would give you is we will coordinate that emergency response with county emergency officials as we would do with any type of construction or development that occurs so they would be well aware of that and have all their alternate routes and training in place.

The public hearing was closed at 10:59 p.m.

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

ORDINANCE 2016-003

Approving and Authorizing a 40-year Lease of a Portion of Real Property Owned by the Town of Leesburg, Virginia to Loudoun County, Virginia for a Tunnel

Underneath Church Street, N.E., to Connect the Existing Courthouse with the Proposed Courthouse Expansion Project

The motion was approved by the following vote:

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

Nay: None.

Vote: 6-0

11. RESOLUTIONS AND MOTIONS

- a. Selection of Council Representatives – Joint Meeting with Board of Supervisors, Loudoun Sheriff, and Leesburg Police Chief: Potential Efficiencies

On a motion by Council Member Fox, seconded by Council Member Hammler, the following was proposed with Council Members Dunn and Hammler proposed as the Council's representatives:

RESOLUTION 2016-017

Appointment of Town Council Representatives and Confirmation of Primary Discussion Topics for Joint Task Force with County of Loudoun on Potential Efficiencies between Leesburg Police Department and County of Loudoun Sheriff's Office

Council Comments:

- Hammler: The only thing I would add is reiterating the issue that we need to find ways that may not be typical relative to how we could get, you know, speeding support as relates to traffic calming. I just thought that was a good idea that came up in the last public hearing. I hope we are open to additional suggestions that come forward.

The motion was approved by the following vote:

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

Nay: None

Vote: 5-0-1 (Martinez absent)

- b. Airport Rules, Regulations and Minimum Standards

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

RESOLUTION 2016-018

Adopting the Revised Rules, Regulations and Minimum Standards for the Leesburg Executive Airport

Council Comments:

- Fox: I just wanted to say that I looked through the changes and the changes make a lot of sense and I totally support going forward with the motion.

- Hammler: Just thank our official appointee and everyone who works on the commission and all their service to Leesburg.

The motion was approved by the following vote:

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

Nay: None.

Vote: 6-0

c. Town Attorney's Performance Evaluation and Compensation

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

MOTION 2016-002

I move that the Town Attorney receive a 3% pay increase as additional compensation in accordance with the Town Attorney's contract.

Council Comments:

- Hammler: Just appreciate how Barbara has hit the ground running and has done a great job serving all of us, does great research and comes back with very thoughtful answers. It is sort of appropo that we are talking about the courthouse tonight because you were so well changed by our now Circuit Court, previous town attorney. Just appreciate your service to Leesburg, Barbara.
- Martinez: I would like to approve even more, but [inaudible]. I also want to say that one of the things that I like about her and I don't like about her is she doesn't always agree with me. That ain't right, but that's okay.
- Burk: I'm happy to support this.
- Dunn: I won't be able to support this. I feel that the town's legal positions could be better served.

The motion was approved by the following vote:

Aye: Burk, Hammler, Martinez, and Mayor Butler

Nay: Dunn and Fox

Vote: 4-2

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. None.

15. CLOSED SESSION

- a. None.

16. COUNCIL COMMENTS

Council Member Dunn: Actually, I was going to see if we could get something added to new business or brought up at our next work session. Would that require [inaudible]. It is a request for the text amendments to be expedited to have staff start working on the text amendments that were mentioned this evening. There are three all together. I would request that rather than waiting to our next work session that staff could actually bring it forward and we could actually possibly work on it by our next work session.

There was consensus to add this to the next work session.

Dunn: I made a note that I was looking at a more standardized system to expedite this process.

Vice Mayor Burk: I want to congratulate the new interim Mayor. There is an old Irish saying that says, I hope that you govern with wit and wisdom. Thanks to everyone who came out and put their names forward for the interim mayor position. Thanks to those that showed up last night. While the process was messy, your being here showed your interest and commitment to the town and I thank you for that. Thanks to all that came out tonight. On Thursday, February 4, I met with Charles Yudd and the county and the people at Dewberry about the courthouse complex. It was a very exhaustive review of the complex and I want to thank the members of our planning commission for all of their long and difficult negotiations with the county to make changes to the project. It made it so much better. They really put their effort into it and it really showed and I truly appreciate all their hard work. There are still major issues, obviously, because we are going to continue to talk about it, but I think the garage and the height are something we are really going to have to look at. We heard other issues from the public tonight. I had the opportunity to go to the Loudoun County Day School pre-kindergarten class. This is Mrs. Horvath's class and the students learn about local government. They created this book with pictures and a line of what they would do if they were Mayor. Unfortunately, there was no time to put it on the agenda for tonight, but I wanted to show – I wanted to read some of them because they are really darling. I won't take but a couple of minutes. From Quinn O'Hara, she said if she was mayor, she would take care of all of the animals in the world. I do think that definitely looks like me, so I am cool with that. And, James said if I were mayor, I would help people who were poor find a home. Such thoughtful little kids at such an age, I thought it was very impressive and then the last one I will read to you, is that people have fire, I would make sure they are okay. That was Ellery Ritenour. But it is really darling and it showed us that these little kids most certainly have a lot compassion and understanding and it was really great that their teacher goes through that whole process of teaching them about government and what the Mayor and Council does so it was really exciting and a great opportunity. And finally, I want to thank Mr. Terry Titus for being willing to consider the position of the interim mayor. If you are not from here or you have not lived here very long, you may not realize that the Titus family have contributed their time and talent and services to this town and this county for decades. Anyone who reduces the

Titus' to an R or a D doesn't know Leesburg and Loudoun County history, so I want to publically thank Terry for his willingness to serve and thank the Titus family. They truly are patriots and we are very lucky to have them.

Council Member Martinez: Congratulations to your new mayorship, Mr. Mayor. I also want to – Kelly said it well about Mr. Titus. Very well respected gentleman and I sure do respect him. I think he would have done a great job. The other thing is I do have a disclosure form – Mr. Banzhaf text amendments today a phone call. I am trying to think if there was anything else. Thank you to the boy scouts for showing up. I always enjoy that. Thank you, Doris, 35 years next weekend.

Council Member Hammler: Happy anniversary, Marty and Doris. That's wonderful. I have a few disclosures. I had a call from Mike Banzhaf. I think we haven't had a meeting in a while – January 14. I have a disclosure that I saw Taylor [Chess] from the Petersen Companies. He showed up to meet me at the EDAC meeting to discuss possible ways that he could, I guess, just work with Leesburg and Marantha was going to follow up with that. I had a call from Mike Banzhaf also about the special exception that we discussed tonight on the 25th. I don't think I ever disclosed the rescue banquet, so I wanted to make sure that I did that publically and there was a value that I will put on the disclosure form. But, that was an exceptional banquet and it was so great that so many council members were there and we had an opportunity to – given everything that we have worked together for the skate park and other things to be with them as they celebrate all their special awards and Kelly did a great job that night. I also wanted to disclose that I did attend the Cooper's Hawk opening last Saturday. I saw members of the Leesburg community, Gwen Pangle, Rusty, others. So, it was a wonderful opportunity to see so many people and I did see a gentleman – I will formally disclose that because some town business came up. I am just getting – I didn't write everything down in my iPhone. [inaudible] I have no idea what that is. Congratulations to Coach Burnett – looking forward to bringing him in for a certificate for his huge award for Coach of the Year. It is pretty awesome. I wanted to thank everybody in Leesburg who helped all their neighbors dig out from the snow storm. It was really incredible to see people taking shovels, helping whoever needed help, just getting together to get the job done. I know we will be doing official debriefs, but that was to me the great part of being in Leesburg and the fun that came from the huge piles and the kids got to have sledding places where they didn't have them on the corner of their streets. So, I know we are going to learn from this and keep doing better the next time we get 35 inches of snow in 24 hours, but I do appreciate the great sense of community. Finally, I wanted to add my congratulations to our new interim mayor.

Council Member Fox: Congratulations to you and congratulations to our new interim chief of police as well. We are excited to have you. I do have one disclosure and I did get a call from Mr. Banzhaf as well about the Village at Leesburg Child Care Center and the commuter lot across – or the potential of the commuter lot across from the Village at Leesburg. Last thing that I wanted to note was there is this packet in our folders tonight. Maybe it was in my in mailbox. Anyway, I wanted to acknowledge Scott Coffman who manages the airport. I wish I had done it while he was still here, but he debriefed the airport commission about what happened during the snowstorm and he

was there from Friday to Monday, nonstop. He stayed there and I took a look at the pictures. They handled that situation very, very well over there. I think they had one complaint and it was from a guy in Florida. I just wanted to acknowledge him and tell him that he did a nice job.

17. MAYOR'S COMMENTS

I do have a few things. A couple of quickies. I also wanted to congratulate Captain Grigsby on the future interim position that happens the first of March. That's wonderful – well deserved. I have a seat here, if anybody wants to move here before we select a seventh council member, let me know. We won't be doing any wholesale changes – that will be for the new mayor – whoever wins in November. If anybody wants the seat, you are welcome to it. Just let me know. I do have a letter – I forgot to read this. I'm not going to read this whole thing – highlights – that I received – somebody wanted it in the public record. Couldn't make it today. But it was about the snow removal. "Dear Vice Mayor – this is from Greg Adams on Wildman Street. He said Dear Vice Mayor Burk and members of the Town Council. I have lived in the Town of Leesburg for 28 years and I have experienced the town's response to both forecast and unexpected to snow and other events of nature. In all my years of living here, I have never experienced anything quite like the recent snowfall that blanketed our town. Times have changed and our town has grown. Still, over the years, we worked together to solve our problems. While we seem to have lost a bit of what made this town special. Such is the case with the recent blizzard that impacted our town, despite the fact that there were many that tirelessly responded in this effort, my wife and I were saddened that there was finger pointing and public roasting in the media towards employees of the Public Works division. I urge this council to publicly acknowledge the manager and the employees of the Public Works division and all others involved during this event for their sacrifice and dedication. Letters of appreciation should be issued. As our town has grown, it's resources have at times been strained – more is often asked of all of us. At the end of the day, it is my humble opinion that we did best that we could with a snow removal protocol and the resources at our disposal. Friends, family and neighbors all pulled together to help each other out. The town has responsibilities to do the same. It is what families do. Respectfully and sincerely, Greg Adams, Wildman Street. Let me echo my thanks and appreciation for the Public Works employees. They worked their tails off removing the snow. Hopefully it will be quite a while before we get a storm of that magnitude again.

Council Member Martinez: If I may also add, Paige and Avis put together goodie bags for all the hard workers on our public works crew and I think that is very commendable and I really appreciate them taking care of our guys like that.

Butler: Absolutely. Two other things that are a little bit different. One is that I will be sending out emails to each Council member. I would like to set up a bi-weekly half hour chat by phone. Probably the Wednesday before the Council meeting. I will be meeting with Kaj on, I think, Mondays, the non-council weeks. I will be meeting with Kaj the Tuesday on the non-Council weeks and then I would like to have a half an hour with each Council member on Wednesdays, if you chose, then I can go over what the proposed agenda is and you can give me any concerns or questions or comments on that

agenda and I can relay them to town staff before it gets published on Thursday. Then, another thing is I have been in discussions with Kaj about a council room and he suggested council room 3 in the basement. This could be used for a couple of different things. It could be used anytime you are having meetings with developers or other folks. You could always use that room and schedule it so we wouldn't necessarily need to meet in coffee shops or the lobby. We would always have a room that was more or less dedicated to Council or at least Council would have first priority. Also, any Council member who wishes and I would be trying to do this, is we could actually set up the equivalent of office hours, perhaps. Bring a lap top, be there for a couple of hours a couple times a week and then allow the public to come in and speak to the mayor or vice mayor or a council member if they choose. We could publish those hours and then people could just walk in and talk. What it would not be used for – you know, it's in the basement. It's out of the way. You can't see anybody. It would not be used for directing staff in any way. It would be for the convenience of the public primarily. So, that's something that we are working on – any feedback on that would be appreciated. Then, I agree with Marty's comments about Terry. Terry is a great guy. He served on Council for two or three months four years ago. I forget exactly how long it was, but he did a fantastic job and he is just a nice guy. I've seen him around town sometimes and you know, high praise for Terry. Then last, thank you for your congratulations. I would suspect Vice Mayor that I'll be more successful with wit than wisdom, but we will give it our best.

18. MANAGER'S COMMENTS

Kaj Dentler had no comments.

19. ADJOURNMENT

On a motion by Council Member Fox, seconded by Council Member Hammler, the meeting was adjourned at 11:21 p.m.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2016_tcm0209

Council Chambers, 25 West Market Street, 7:30 p.m. Mayor David S. Butler presiding.

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

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, and Clerk of Council Lee Ann Green.

AGENDA

ITEMS

1. **CALL TO ORDER**

2. **ROLL CALL:** Showing all members present

3. **PUBLIC INPUT**

Edward Kiley, 293 Ariel Drive, N.E. Mr. Kiley addressed Council regarding his application to be appointed to Council. He stated he has been a public servant in Loudoun County for the past 41 years and has been a resident of the Town of Leesburg since 2000. He stated his only interest in the position is to serve the citizens of the Town of Leesburg and has no political aspirations and no intention to run for elected office. Further, he noted that he is a practicing attorney with mostly national clients.

Ron Campbell, 812 Fort MacLeod Terrace, N.E. Mr. Campbell urged Council to go into closed session to fully consider the applicants for the open council seat. He stated that the Council has a historic opportunity to do something different to make the town a better place.

4. **APPOINTMENT OF A COUNCIL MEMBER**

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

MOTION 2016-003

I move to appoint R. Bruce Gemmill to fill the vacant Council Member seat effective February 22, 2016 for a term ending December 31, 2016

The motion was approved by the following vote:

Aye: Dunn, Fox, Hammler, and Mayor Butler

Nay: Burk and Martinez

Vote: 4-2

5. ADJOURNMENT

On a motion by Council Member Dunn, seconded by Council Member Hammler, the special meeting was adjourned at 7:44 p.m.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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